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## Appeal Decision

Site visit made on 23 March 2021

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

**Decision date: 31 March 2021**

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**Appeal Ref: APP/X1925/W/20/3262407**

**52 Green Street, Royston SG8 7BA**

- 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 P Ambler against the decision of North Hertfordshire District Council.
  - The application Ref 20/01347/FP, dated 11 June 2020, was refused by notice dated 9 September 2020.
  - The development proposed is the erection of 2 No. two-bedroomed bungalows with associated parking, landscaping and remodelling of existing landscape.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant submitted a revised block plan<sup>1</sup> with the appeal that did not form part of the planning application determined by the Council. I have considered this drawing, which omits a car-parking space, under the principles established by the Courts in *Wheatcroft*<sup>2</sup>. I am satisfied that it does not change the nature of the scheme to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. The Council has commented on the revised drawing, the effect of which does not concern any objection from surrounding occupiers. I have therefore determined the appeal with regard to it.
3. The Council has referred to policies in the emerging North Hertfordshire Local Plan 2011-2031. This has not completed its examination in public, and the Council has not provided information on the extent and content of any unresolved objections to the plan, nor how these may affect the policies to which it has referred. Therefore, whilst I have had regard to them, bearing in mind its progress to adoption, these policies carry limited weight.

### Main Issues

4. The main issues are the effect of the proposed development on:
  - the spatial character of the area; and,
  - the living conditions of surrounding occupiers, with particular regard to noise and disturbance.

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<sup>1</sup> Ref: 05B

<sup>2</sup> *Wheatcroft (Bernard) Ltd v Secretary of State for the Environment* [1982] JPL 37

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## Reasons

### *The spatial character of the area*

5. Green Street is characterised by its enclosure on both sides by an eclectic range of houses which front directly to the street. Though the houses date from different eras and have different typologic and stylistic characters, their broad alignments parallel to the street, their long back gardens leading to the allotments, their siting at the front of the plot, and the lateral gaps between them are the common threads of spatial character which tie them together, and which make the street spatially and architecturally distinctive.
6. The truncation of the long back garden behind No52 and No56 would diminish the soft, green character behind the houses on this side of the street, and the contribution their lack of development makes to the spatial character of the area. The plots of the proposed houses would be far shorter and smaller than the prevailing plot size on this side of the street, and their footprint:plot ratios many times greater, breaking from the established pattern of development in this section. More decisively, the introduction of a secondary layer of development behind the houses enclosing the street, which would be visible from surrounding houses and through the broad opening leading from the street, would diminish the strong, linear, single layer of street enclosure on this side. The incompatible siting of the development would undermine the distinctive spatial character of the area.
7. While saved Local Plan 2007 (LP) policy 26 permits housing development in residential areas, this is subject to it being acceptable within the environment and character of the area. I have identified harm from the proposed development to the spatial character of Green Street. The proposal would therefore conflict with LP policy 26 as well as the objectives of LP policy 57 which include for development to relate to the character of the surroundings.
8. It would also be at odds with the National Planning Policy Framework (the Framework), which, in paragraph 127, requires development to be sympathetic to local character including the surrounding built environment, whose spatial character this proposal would harm. The overall effect of the development would be to undermine the coherent identity of the place, which is a key characteristic of place set out in the National Design Guide<sup>3</sup>, and which makes this area distinctive. To the identified harm, and to the conflict with local and national planning policies I attribute substantial weight.

### *The living conditions of surrounding occupiers*

9. Though the development would introduce the risk of noise and disturbance from the movement of cars where there is presently none, the number of trips likely to be generated by the development would not be so great that the intensity of movements would disturb the privacy of surrounding occupiers.
10. The parking spaces would be sufficiently distant from the openings of neighbouring houses to avoid disturbance from the slamming of doors. There would be some risk of noise from the manoeuvring of cars. However, given the plot's location in the built-up area where some occasional, background noise from neighbours is anticipated, a landscaping condition could secure sound absorbent treatment around the enclosures closest to the car-parking and

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<sup>3</sup> National Design Guide, paragraphs 50 & 58

manoeuvring areas, to mitigate the risk from movement and engine noise to an acceptable degree.

11. In short, there is nothing in the scale or configuration of the development with particular regard to noise and disturbance that could not be adequately mitigated by condition to avoid harm to the living conditions of surrounding occupiers. There would be no conflict from the development with the objectives of saved LP policy 57 which sets out guidelines to protect the living conditions of surrounding occupiers.

### **Other Matters**

12. I have taken into account the examples of backland development referred to by the appellant. I acknowledge the visibility of the parking area behind the flats at the other end of the street, but the buildings there are sited at the front of the plot, rather than behind those at the front, like this proposal. Though 53 Green Street is an infill development, sited with its frontage directly to the street, it continues the street enclosure, rather than working against it, as in this proposal.
13. The examples of dwellings in Gage Close appear part of a more modern estate type layout, set around cul-de-sacs rather than the linear street pattern which distinguishes the pattern of development in Green Street. The bungalow does appear as backland development. Though I have not been provided with the circumstances which led to its development, it is sited beyond the back gardens of the houses on the opposite side of Green Street; it has more affinity with Gage Close than with Green Street, and, like the other examples referred to by the appellant, it appears to substantially predate the present development plan and the Framework. I have not been given the details of the permission for two houses on land adjacent to 26 Morton Street, however, it appears to me that the houses would be beside No26, with an aspect direct to the street, unlike this proposal which would form a secondary layer of development behind the houses enclosing the street.
14. I appreciate that the Framework promotes the effective use of land to meet the need for homes in paragraph 117, but it also indicates that this should be while safeguarding and improving the environment. I recognize in paragraph 68 its support for the development of windfall sites and the great weight to be given to using suitable sites within existing settlements for homes. However, for the reasons above, the site is unsuitable for the proposed development.
15. Two additional houses would be a small boost to housing supply, representing a modest social benefit. They would have accessibility advantages to all sections of society, a social benefit, their size also offering choice to those seeking smaller dwellings here. The site is close to a network of public transport, and a full range of local services and facilities, bringing social and environmental benefits. Construction work would bring short-term services and manufacturing benefits to the wider economy. The future occupiers would be likely to use local services and facilities and thereby contribute to the local economy, bringing a long-term, economic benefit. While all these benefits of the housing are material considerations in favour of the proposal, because of the modest number of dwellings proposed, I attach only moderate weight to them.

16. I appreciate that the development plan policies referred to by the Council, which concern design and living conditions, are old, but they are broadly consistent with the Framework. Notwithstanding this, the appellant points to the Council's inability to demonstrate a five-year supply of deliverable housing sites, estimated by the Council as less than 2.2 years, as well as its performance against the Housing Delivery Test, as bringing the presumption in favour of sustainable development into play.
17. In these circumstances footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The site is not within a protected area.
18. As described above, the benefits associated with two dwellings would be limited even taking account of the objective of significantly boosting the supply of housing set out in the Framework, and the Council's housing land supply position. Consequently, the adverse impact on the spatial character of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result the presumption in favour of sustainable development does not apply.

### **Conclusion**

19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed

*Patrick Whelan*

INSPECTOR