



Appeal Decision

Site visit made on 24 August 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/X1925/W/21/3271762

33 Eastern Way, Letchworth Garden City, Hertfordshire SG6 4PE

- 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 Steve Collier against the decision of North Hertfordshire District Council.
 - The application Ref 20/02185/FP, dated 28 September 2020, was refused by notice dated 19 November 2020.
 - The development proposed is described as 'a small-scale development, consisting of one semi-detached one-bedroom house on land currently housing a residential dwelling, with off-street parking and private garden'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, I have taken the name of the appellant from the appeal form, as it is more precise.
3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. The main parties have had an opportunity to comment on the significance of the changes, but only comments from the Council have been received. Therefore, I will not prejudice any party by taking the Framework and the comments received into account in reaching my decision.
4. Revised plans have been submitted with the appeal after the decision by the Council was made. I have not taken these into consideration as they have not benefitted from a full consultation exercise undertaken by the Council. In determining this appeal, I have therefore only considered the plans that formed the basis of the Council's refusal of planning permission.
5. The parties have referred to policies contained within the emerging North Hertfordshire District Council Local Plan 2011-2031 (LP). Given the stage of preparation and the degree of consistency with the Framework, I attach significant weight to the emerging policies. Notwithstanding this the starting point for determining this appeal remains the North Hertfordshire District Council – District Local Plan No.2 with Alterations 1996 (saved policies 2007) (DLP). The relevant DLP policies are broadly consistent with the Framework.

Main Issues

6. The main issues of this appeal are the effect of the proposed development on:
 - i. the character and appearance of the appeal site and the surrounding area; and,
 - ii. the living conditions for future occupiers.

Reasons

Character and appearance

7. The appeal site comprises a semi-detached house occupying a prominent corner plot location. The houses in the locality comprise a mixture of detached, semi-detached and terraced properties. The appeal property is constructed out of brick that has been painted, with a tiled roof, which is handed in appearance with 35 Eastern Way, which it adjoins, displaying similar fenestration details.
8. The appeal scheme would change the character of No 33 considerably, through the creation of a terrace of properties. The host property has retained a clear sense of balance and symmetry relative to No 35, which accordingly contributes towards a positive feature of the wider street scene. Whilst the proposed development comprises a two-storey addition that would form the new dwelling, the narrow width of the new dwelling and the location of the proposed front door in its front elevation would create an irregular and visually awkward feature, which would be readily visible from the street. These factors would diminish and unbalance the character and appearance of No 33 and No 35 to the detriment of the wider street scene.
9. The plot size of the appeal scheme in this location appears significantly smaller than the surrounding properties. These properties are all situated in generous plots, with long rear gardens, which gives a distinct sense of spaciousness. The generous plot sizes contribute to a regular rhythm of development, making a positive contribution to the surrounding area. In the context of the area surrounding the appeal site, the appeal scheme would be distinctly at odds with the character of neighbouring dwellings, as it would appear discordant in its location and more cramped in its appearance.
10. My attention has been drawn to other dwellings in the area, where photographs have been provided in support. Whilst noting the presence of other dwellings in the wider area, relatively little detail has been provided regarding the particular planning backgrounds to those schemes. Without such information a full and detailed comparison between those developments and the case before me cannot be drawn except insofar as I was able to observe and assess the sites at my visit.
11. For all of these reasons, the proposed development would significantly harm the character and appearance of the appeal site and surrounding area. This would be contrary to the design, character and appearance aims of saved DLP Policy 57, LP Policy D1 and the requirements of the Framework.

Living conditions

12. I note the concerns raised by the Council in respect of the rear room at first

floor, which has been described as a study on the submitted drawings and by the appellant in his statement. There is also reference to the proposed development comprising one bedroom on the application form. On this basis, I recognise that the appellant is disputing the shortfall in gross internal floor area (GIFA) and the classification of the rear room as a bedroom. The appellant has provided further clarification on this matter in his submission.

13. However, despite the dispute surrounding the proposed study and whether it could be used as a bedroom or not, I note that the appellant confirms that the GIFA for the proposed development would be 44m², which he considers to be in excess of the requirements contained within the Technical housing standards – nationally described space standard 2015 (THS). However, the quoted 37m² refers to a one-bedroom, one person and one storey dwelling with built in storage¹.
14. Whilst the appellant asserts that it is likely that only one person would reside in the property, I note the size of the proposed bedroom on the submitted drawings would be sufficient to accommodate a double bed. Consequently, I cannot be sure that more than one person would not live in the appeal property. Thus, as the proposal is for a two-storey development, which could easily be used by 2no. persons, a minimum GIFA of 58m² is required.
15. Although, DLP Policy 57 refers to 75m² for private amenity space as a rough guide, there is still a notable shortfall in provision within the proposed development, which would further compound the adverse living conditions of future residents. In this instance, a suitably worded condition could not be imposed to ensure that otherwise unacceptable development could be made acceptable.
16. For the reasons given above, I therefore conclude that the proposed development would not provide satisfactory living conditions for future occupiers. This would be contrary to the amenity aims of DLP Policy 57, LP Policy D1 and the requirements of the Framework.

Other Matters

17. The Council is not able to demonstrate a 5-year supply of deliverable housing sites. This represents a housing shortfall. In these circumstances, Paragraph 11 of the Framework indicates that housing policies should be regarded as out of date and that there is a 'tilted balance' in favour of granting permission. However, my findings in this case are that harm to character and appearance to the appeal site and surrounding area and living conditions of future occupiers is sufficient to significantly and demonstrably outweigh the tilted balance in favour of granting permission.
18. I acknowledge there would be some limited economic and social benefits resulting from the development. I have considered this appeal proposal on its own planning merits and concluded that the scheme is not acceptable for the reasons set out above.

Planning Balance and Conclusion

19. In this case, there is evidence before me to suggest that the development plan is out of date and that the tilted balance outlined at Paragraph 11 of the

¹ Table 1 in the THS

Framework should be engaged. I also acknowledge the absence of other harm resulting from the proposed development.

20. However, these and the other benefits that would arise do not significantly and demonstrably outweigh the harmful effect to the character and appearance of the appeal site or surrounding area, the living conditions of future occupiers and the subsequent conflict with the development plan and the requirements of the Framework.

21. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR