



Appeal Decision

Site visit made on 24 January 2018

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2018

Appeal Ref: APP/X1925/W/17/3185256

2 Oakfields Avenue, Knebworth SG3 6NP.

- 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 Mr & Mrs A & K Walton against the decision of North Hertfordshire District Council.
 - The application Ref 17/01705/1, dated 3 July 2017, was refused by notice dated 1 September 2017.
 - The development proposed is for the delivery of a single dwelling to the rear of 2 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form indicates all matters of detail, apart from access, layout and scale, are reserved for future determination. Although matters of appearance and landscaping are not formally submitted for determination, the submission is accompanied by illustrative details to which I have had regard.
3. The appellants have submitted an amended plan 0397-02/02 Rev D during the appeal process. This plan has been amended to show tracking of vehicle turning movements within the proposed parking and turning area. As noted at paragraph M.2.1 of the procedural guidance on appeals¹, if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Interested persons have not had the opportunity to comment on these changes and I have therefore not determined this appeal based on the amended plan 0397-02/02 Rev D.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on (a) the character and appearance of the area; (b) the living conditions of neighbouring occupiers at 2 Oakfields Avenue, with particular regard to noise and disturbance; and (c) parking provision and highway safety.

¹ Procedural Guide: Planning appeals – England, 26 January 2018.

Reasons

Character and appearance

5. Oakfields Avenue consists predominantly of two-storey detached houses situated behind front gardens and with long rear gardens. 2 Oakfields Avenue is a large two-storey detached house situated at the end of a row of detached houses. No 2 has a particularly wide and long rear garden. The existing rear garden is bounded by trees and hedging to three sides. There is a tennis court at the end of the existing rear garden. A public right of way runs the full length of the south-eastern boundary of No 2. Fields within the Green Belt lie beyond the north-eastern and south-eastern boundaries, while the detached two-storey house at 4 Oakfields Avenue is sited north-west of the existing house at No 2.
6. The houses on the northern side of Oakfields Avenue generally have long gardens, which include hedges and trees, providing a notable verdant quality. The gardens of these properties have a spacious character and provide a visual break between the built-up area within the settlement boundary and the open rural character of the adjacent fields within the Metropolitan Green Belt. The gardens of Nos 2 and 4 are significantly longer than the adjacent gardens on Oakfields Avenue, while the garden of No 2 is also wider, and this contributes significantly to the area's spacious character. Both gardens have numerous trees and established vegetation.
7. The proposed development would involve the construction of a large two-storey house and associated car port within No 2's existing rear garden on the site of the existing tennis court. A vehicular access would be created along the appeal site's south-eastern boundary to serve the proposed house.
8. While the Council considers that the principle of residential development within the settlement boundary of Knebworth is acceptable in principle, concern has been raised by the Council and Knebworth Parish Council that the proposed development would create a different pattern of development than is typical along the street and that this would not maintain the character and appearance of the area. Oakfields Avenue consists of frontage development, while the proposed development would lie within the established garden of No 2. The proposed dwelling and its associated car port would have a large footprint. While its scale and footprint would not be dissimilar to some of the existing houses on the frontage of Oakfields Avenue and it would be smaller than the existing house at No 2, its siting would result in residential development beyond the established building line of Oakfields Avenue. The development of the garden land of No 2 with a large detached house bungalow, car port, vehicular access, and a parking and a turning area in a run of houses which all have substantial gardens would be contrary to the local pattern of development and would be overly intensive for its setting. I saw no other evidence of backland development along Oakfields Avenue during my site visit.
9. Although the proposed house would have sufficient garden space for future occupiers and No 2 would retain sufficient garden space for use by its existing and future occupiers, the insertion of the proposed development within the rear garden of No 2 would also result in the retained rear garden of No 2 becoming uncharacteristically short when compared to neighbouring properties. Although it would still be a large garden, this would cause the proposed development to appear cramped in comparison to adjacent residential properties on Oakfields Avenue.

10. When taken together the insertion of a two-storey detached house, the shorter garden, the vehicular access and parking and turning area, and the boundary treatments for the different plots, would all generate a much more dense and urbanised development than can be seen in the immediate locality. The proposed development would substantially alter the appearance of the site and its immediate surroundings, eroding its spaciousness and giving the area a more built-up appearance. While the proposed development would not be highly visible from the public right of way adjacent to the appeal site due to the retention of trees and other vegetation along the boundary and potential for enhancements to landscaping, this does not justify a harmful layout and a negative effect on the pattern and grain of development.
11. The appellants have sought to minimise the effect of the proposed development on No 2 by proposing a house which would be smaller than the existing house at No 2 and considering the size of other properties' plots along Oakfields Avenue in defining the appeal site's size. Further efforts have been made to mitigate the effect of the proposed development on neighbouring Nos 2 and 4 by siting the proposed development close to the boundary adjacent to the public right of way and designing the proposed development in an L shape. However, these features do not overcome the harm I have found in this instance. Additionally, while I acknowledge that the proposed development would not be highly visible from Oakfields Avenue, this does not justify the insertion of a single dwelling with a large footprint on a rear plot.
12. Concluding on this main issue, the proposed development would have an adverse effect on the character and appearance of the area. Accordingly, it would be contrary to policies 5 and 57 of North Hertfordshire District Local Plan with Alterations 1996 (the Local Plan). Policy 5 states, amongst other things, that within excluded villages such as Knebworth, the Council will permit residential development only if the proposed development is compatible with the maintenance and enhancement of village character. Policy 57 sets out general guidelines and standards for residential development, including the need for development to relate to the character of its surroundings. The Council has also referred to policy SP9 of the North Hertfordshire District Council Local Plan 2011 – 2031 Proposed Submission (2016) (the emerging Local Plan), which requires new development to be well-designed and respond positively to its local context. While the proposed development would not be compliant with this policy, I give this policy very limited weight as the emerging Local Plan has been submitted for examination, but has not yet been adopted. It would also be contrary to advice within Section 7 of the National Planning Policy Framework (the Framework), which seeks development which responds to local character and reflects the identity of local surroundings.

Living conditions

13. The existing house at 2 Oakfields Avenue is set back from the street behind a large front garden which is laid out for parking. Existing boundary treatments and a single-storey summerhouse with a pitched roof within the rear garden of No 2 adjacent to the boundary with No 4 limit intervisibility between the appeal site and No 4.
14. The proposed development would be sited at the north-eastern end of the rear garden of No 2. The proposed development would involve the creation of a vehicular access of approximately 65m in length along the south-eastern side

- of the retained rear garden to No 2. The proposed vehicular access would terminate in a turning area adjacent to the proposed house. The plans indicate that the proposed house would have a number of windows at ground and first floor level facing Nos 2 and 4 and the garden of No 4.
15. While matters pertaining to landscaping are reserved, the appellants have provided some information on boundary treatments in their design and access statement and appeal statement. I have therefore had regard to this information. Although there would be vehicular and pedestrian movements along the south eastern boundary of the appeal site adjacent to the retained rear garden to No 2, the appellants have confirmed that landscaping would involve boundary treatments of fencing and hedgerows to reflect common boundary treatments within the wider estate and to reduce any noise generated by the proposed development. Given the likely landscaping, the activity on the proposed access would not be visually intrusive upon the rear garden of No 2. While I recognise that the level of likely activity in terms of vehicular movements would represent an increase in comparison to the existing layout of the house and garden at No 2, the use of the access to a single additional house would not be so intensive that it would harm living conditions to the occupiers of No 2. Although there would be activity in the rear garden of the proposed development adjacent to the rear gardens of Nos 2 and 4, this would be little different to the relationship of existing rear gardens at Nos 2 and 4 to one another.
 16. With regard to the dragging of bins along the proposed vehicular access, this would normally be an event which takes place weekly with bins being brought to the collection point and subsequently returned. It would be entirely usual for occupiers of existing properties along Oakfields Avenue to have to wheel bins to the kerb for collection and the distance that bins are moved will vary dependent on where residents choose to keep their bins. I note that the Council's Environmental Health Team has not objected to the proposed development in this regard. As the proposed development is for a single house, I consider that the noise and disturbance generated by bins being moved along the proposed vehicular access would be minimal and would not cause unacceptable harm to the living conditions of neighbouring occupiers.
 17. In order to reduce the distance future occupiers would have to transport bins, the appellants have suggested that they would agree to a condition to site the bins for the proposed development adjacent to the entrance to the appeal site. However, given that the future occupiers of the proposed development would then be required to transport their waste and recycling down the vehicular access to the bins, I do not consider this to be reasonable or enforceable.
 18. With regard to concerns about overlooking of Nos 2 and 4, the proposed development would be a considerable distance from the rear windows of Nos 2 and 4. The exact placement of windows is a reserved matter. Given the siting of the proposed house, the likely provision of landscaping along the appeal site's boundaries, and the existing boundary treatments and summerhouse along the shared boundary of Nos 2 and 4 close to the existing houses, I consider that the proposed development would not cause harm in terms of overlooking to Nos 2 and 4.
 19. Concluding on this main issue, I consider that the proposed development would not harm living conditions and would not be contrary to Policy 57 of the Local

Plan in that regard. Policy 57, amongst other things, requires the design and layout of buildings to reduce the disturbing effects of noise. The Council has also referred to policy D3 of the emerging Local Plan, which requires development not to have unacceptable harm on living conditions. Although the proposed development would be compliant with this policy, I afford the policy very limited weight as mentioned above. The proposed development would also be compliant with paragraph 17 of the Framework which states that development should seek to secure a good standard of amenity for all existing and future occupants on land and buildings. Nevertheless, this does not outweigh my concerns in respect of the first main issue.

Parking provision and highway safety

20. The existing house at No 2 has two vehicular accesses serving an existing in and out driveway. The proposed development would use the eastern existing vehicular access from Oakfields Avenue to access a route along the boundary. The proposed vehicular access route would terminate in a turning area adjacent to the proposed house. Adjacent to the parking and turning area, the proposed development would include a car port capable of housing 3 cars as shown in terms of scale on plans 0397-02/02 Rev C and 0397-01/04. Furthermore, a pair of garage doors is shown on the plan 0397-01/03 Rev A as part of the proposed house. While this plan is indicative in terms of the layout of windows and doors and I have not received floorplans as the application was made in outline, this has the potential to provide another parking space dependent on internal dimensions.
21. Car parking standards set out in policy 55 of the Local Plan require 3 car parking spaces for dwellings with 4 or more bedrooms, while the car parking standards set out in the Council's Vehicle Parking at New Development Supplementary Planning Document 2011 (SPD) require 2+ spaces per 3 or 4 bedroom dwelling and visitor parking of 0.25 to 0.75 spaces per dwelling.
22. The proposed development would provide space for up to 4 cars to be parked within the proposed car port and the proposed internal garage. Although the SPD has a requirement for internal dimensions of a garage to be at least 7m by 3m, this is for both the parking of a single car and for storage. The car port spaces would not appear to meet this requirement, but as the proposed car port would not be secure, it is unlikely that storage of any significance would take place under the proposed car port. The dimensions and floorplans of the proposed internal garage are yet to be secured, but I see no reason why it would not be possible to allow sufficient space to park a further vehicle in the internal garage. Moreover, the highways authority has not objected to the proposed development. As a result of the likely position of the openings in the car port and the amount of space provided within the proposed parking and turning area, I consider that vehicles would be able to enter and leave the proposed parking and turning area in a forward gear to maintain highway safety. Furthermore, I consider that the proposed development would provide sufficient parking spaces to meet its likely needs.
23. Concluding on this main issue, the proposed development would not cause harm to parking provision and highway safety. As such, it would be compliant with policy 55 of the Local Plan, which sets out parking standards for a range of uses, including housing. Although there would be some conflict with the garage dimension requirements set out in the Council's SPD, the overall level of

parking provision in terms of spaces would meet the SPD requirements for the number of spaces for the size of dwelling proposed. I note that the Council has referred to Policy T2 of the emerging Local Plan. However, I only give this policy very limited weight as referred to above. My findings on this issue do not outweigh my concerns with regard to character and appearance.

Other Matters

24. Based on a plan provided by the Council, it appears that the rearmost parts of the existing gardens of Nos 2 and 4 lie within the Green Belt. Part of the proposed rear garden of the proposed development would lie within the Green Belt. As the proposed development would not involve the erection of new buildings within the Green Belt, and the garden serving the existing house at No 2 is in the Green Belt, this has not altered my findings on this appeal.
25. I note that the appellants have suggested that the Council did not engage positively with them through the application process. This is a matter between the Council and the appellants.
26. The appellants consider that the proposed development would adhere to the requirements of policies SP2, SP8 and SP9 in the emerging Local Plan, which relate respectively to the settlement hierarchy, the provision of housing in Knebworth, and the sustainable design of development. Reference has also been made to paragraph 7, 8 and 9 of the Framework in terms of sustainable development, paragraph 50 of the Framework in meeting housing need, and Section 7 of the Framework in ensuring good design.
27. Paragraph 7 of the Framework defines the three dimensions of sustainable development as performing an economic, social and environmental role which should be jointly and simultaneously sought, as per paragraph 8 of the Framework. Economically, the proposed development would provide some benefit in relation to the construction of a house and investment into the local economy. With regard to the social element, the appeal scheme would provide a family home. In terms of the environmental role and in relation to use of sustainable modes of transport, the appeal site is located within Knebworth's settlement boundary and offers good access to local services and facilities, and public transport. As the proposed development is for a house, it would make a slight difference to the supply of housing and so the benefits set out above carry moderate weight in favour of the proposal. In environmental terms, however, the appeal proposal would cause unacceptable harm to the character and appearance of the area. Thus, the proposal would not represent sustainable development in line with the Framework.

Conclusion

28. Although I have not found harm in respect of the living conditions of neighbouring occupiers at Nos 2, or the effect of the proposed development on parking provision and highway safety, these considerations are outweighed by the significant and demonstrable harm I have identified in respect of the character and appearance of the area. For the above reasons, and having regard to all other matters, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR