



Appeal Decision

Site visit made on 10 July 2023

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09.10.2023

Appeal Ref: APP/X1925/W/22/3302258

Land to the rear of 23 Conquest Close, Hitchin, Hertfordshire

- 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 Harry Schleider against the decision of North Hertfordshire District Council.
 - The application Ref: 21/00354/FP, dated 2 February 2021, was refused by notice dated 28 January 2022.
 - The development is described as: 'Proposed erection of 1no. 3 bed 5 person bungalow and 1no. 2 bed 3 person chalet bungalows including associated car parking and landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the intervening period between the refusal of the application and the submission of the appeal, the Council adopted the North Hertfordshire Local Plan 2011-2031 ("Local Plan") on 8th November 2022. The Council referred to what were, at the time, emerging Local Plan policies in their reason for refusal. I have determined the appeal against the adopted policies which have not materially changed. I am satisfied that no party has been prejudiced by my approach.

Main Issues

3. The main issues are the effect of the proposal on:
 - Highway safety, with particular regard to the vehicular access
 - The character and appearance of the area

Reasons

Highway Safety

4. The appeal site is an overgrown wooded area located to the rear of two residential streets, Stevenage Road and Conquest Close. A single-width track leading off Conquest Close provides vehicular access to the appeal site and currently serves as access to several garages and other outbuildings. The track would be utilised as the vehicular access for the construction of two bungalows at the appeal site.

5. I acknowledge the Council's Waste Officer confirmed they were satisfied with arrangements for refuse lorries and collections. I note, a swept path analysis shows private cars, delivery vans and ambulances could enter and exit the site in a forward gear using the turning head in front of the bungalow at plot 2. However, the swept path analysis for fire vehicles shows they would be physically unable to enter and exit the appeal site in a forward gear.
6. However, even though the officer's report to the planning committee states fire safety is not a material planning consideration, in this context, it demonstrates the narrowness of the access, which comprises an existing single-width track. I was able to experience for myself during my site visit that the narrowness and geometry of the road make it difficult to negotiate in a car. This is exacerbated by the considerable length of the track and the fact the existing garages and outbuildings are in regular use. All these factors would combine to create day-to-day difficulties for the future occupants of the proposed bungalows and the residents of surrounding properties as it would likely lead to the blocking of accesses and vehicles waiting on the highway and excessive manoeuvring. This would increase the risk of pedestrian and vehicles collisions compromising highway safety.
7. Policy T1 of the Local Plan states that development should not lead to highway safety problems or cause unacceptable impacts upon the highway network. For the reasons set out above, I conclude the appeal proposal would conflict with Policy T1 as a safe and suitable vehicular access cannot be provided. For the same reasons the scheme would also conflict with paragraph 110 of the National Planning Policy Framework because a safe and suitable access would not be achieved. The difficulties that would be created for existing and future residents would also conflict with Policy D3 which safeguards against unacceptable harm to living conditions, which the appeal proposal would fail to achieve because of the poor vehicular access.

Character and Appearance

8. The appeal site is wedged between the rear gardens of dwellings that front Stevenage Road and Conquest Close. Policies D1 and SP9 of the Local Plan only support new development where it is well-designed and responds positively to its local context.
9. The surrounding residential streets are characterised by terraced properties with relatively long rear gardens. The appeal proposal would involve the clearance of outbuildings, trees and vegetation on the site to create space for the proposed bungalows. Even with this site clearance and reconfiguration of the vehicular access, which I have already concluded to be unsuitable, the residual land would be a narrow plot resulting in the bungalows being shoehorned into the site side-by-side.
10. This arrangement does not conform to the character and appearance of the area and the result is a contrived development with the dwellings and private gardens being cramped by surrounding properties. This arrangement is mitigated marginally by the fact the proposed dwellings are single-storey bungalows, thereby reducing the scale of the development. Nevertheless, for the reasons provided above, this does not outweigh what I consider to be a poorly designed development that fails to respond positively to the site context.

11. Concluding on this issue, the proposal would harm the character and appearance of the area. It would therefore, conflict with Policies D1 and SP9 of the Local Plan and the design guidance contained within Section 12 of the Framework which taken together seek to ensure good design and that new development does not harm the character and appearance of an area.

Other Matters

12. The officer's report to the planning committee repeatedly draws comparisons to a previous planning permission granted in 2014 for two dwellings at the appeal site, ref: 14/02688/1. However, this planning permission lapsed without being implemented and it was granted under a development plan that has now been superseded. Therefore, I cannot attribute any significant weight to this decision in the determination of this appeal, which I have assessed on its own individual merits against the adopted development plan.
13. The Council cited other policies in their reason for refusal which I have found not to be determinative. Policy SP1 of the Local Plan is a broad policy advocating sustainable development where I have found no specific conflict. Policy SP3 covers employment-related developments and is therefore not determinative for this appeal concerning the erection of two bungalows.
14. I also acknowledge the comments regarding the Council's handling of the proposal. Nevertheless, I have determined the appeal on its planning merits.

Conclusion

15. For the reasons given, having had regard to all other matters raised, the appeal should be dismissed.

J N Seymour

INSPECTOR