



Appeal Decision

Site visit made on 5 July 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2023

Appeal Ref: APP/X1925/W/22/3313255

1 Pirton Road, Hitchin SG5 2BD

- 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 TDC New Homes Ltd against the decision of North Hertfordshire District Council.
 - The application Ref 21/03541/FP, dated 24 December 2021, was refused by notice dated 8 November 2022.
The development proposed is described as residential development comprising of 9 flats (1 x 1-bed, 7 x 2-bed and 1 x 3-bed) together with vehicular and pedestrian access following demolition of existing dwelling and outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted during the processing of the application reducing the number of flats to 9 and subsequent design changes. Although Part E of the appeal form states that the description of development has not changed a different wording has been entered by the appellant. It is clear that the local planning authority determined the application on this basis of 9 flats, and so shall I for the purpose of this appeal. I have therefore taken the description from the Council's Decision Notice and the Appellants appeal form as it more accurately reflects the amended proposal. In doing so I have removed words that are not acts of development.
3. The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted on 8 November 2022, replacing the saved policies of the District Plan Second Review with Alterations 1996. An opportunity has been given for the parties to comment on its significance for the appeal. I have determined this appeal on the basis of the development plan and national policy in place at the time of making my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. Pirton Road is a busy main road, predominantly residential in character. The appeal site is triangular in shape located near to the roundabout forming the junction of Pirton Road and Offley Road. It is occupied by a substantial two-storey dwelling, with later single storey additions, set within heavily landscaped

boundaries. Whilst the existing dwelling itself is of no particular architectural merit and has a neutral effect on the character and appearance of the area, the spacious and green character of the property's garden contributes positively to the area. Whilst I did observe some variety to the pattern of development, architectural character, appearance and style of buildings within the surrounding area, the prevailing character is that of two-storey detached dwellings with hipped and gable roofs. Properties are generally set within large, well-landscaped plots and this sense of openness, and the mature trees within gardens, provides a spacious, verdant character.

6. The proposed development relates to the erection of a three-storey building of an art-deco inspired design, which would occupy significantly more of the appeal site than the existing house. The proposed building would be significantly taller and wider in comparison to dwellings in the immediate vicinity of the site. The proposal would reflect some of the ridge heights of nearby properties on both Offley Road and Pirton Road, however, the footprint, scale and mass of the proposed building would be substantially larger than dwellings in the locality and would not sit comfortably within the street scene as a gradual transition from the buildings on Pirton Road.
7. Although there are transitions in height of the proposed building with architectural detailing, the eaves of the proposed building would be significantly higher than that of the adjacent dwelling. The roof profile would be out of keeping with the predominant hipped, gable and cat-slide roof forms that are present in the locality. In addition, the vertically proportioned windows would not reflect the fenestration of nearby dwellings.
8. The proposed building would sit closer to the highway than the existing dwelling and adjacent built development, however, this would not be significant. The site has a prominent location, and despite the presence of landscaping to the boundaries, this incongruous and over-dominant addition would be widely appreciated from both Pirton Road and Offley Road.
9. The juxtaposition of the design, bulk, scale and massing of the proposal with existing dwellings would result in a discordant addition to the street scene. As the appeal site has a prominent corner position within the street scene the proposed development would detract from the character and appearance of the area.
10. A significant number of trees are proposed to be removed. Whilst new planting is proposed in the landscaping strategy, this would take time to establish and would not overcome the harm I have identified to the character and appearance of the area.
11. The proposed building would provide active frontages to both Pirton Road and Offley Road and adding interest to the street scene. The external materials of the proposed development could be conditioned if I were to allow this appeal, however, this would not sufficiently mitigate the harm I have identified in respect of the character and appearance of the area.
12. My attention has been drawn to nearby developments including dwellings at the junction with Upper Tilehouse Street and Wratten Road and Chancery Place, Old Park Road and the Churchill Retirement development, Wratten Road West, the Highlander Public House and the Baptist Church. From the limited information available to me, and as observed at my site visit, I do not consider

the developments to be comparable. The respective sites are located a reasonable distance from the appeal site and therefore, they do not form part of the immediate site context. Each inevitably has design considerations and a surrounding context specific to it rather than to the appeal site. My attention has also been drawn to three-storey dwellings on the opposite side of the nearby roundabout where the Council has concluded that these schemes would be sympathetic to the surroundings built environment. The appellant submits that these schemes are comparable to the appeal proposal. Although I do not dispute that these sites have some similarities to the appeal scheme, the overall design differs significantly. These other decisions do not lead me to a different conclusion on the main issues in this appeal. In any event, I have assessed the appeal on its own merits.

13. For the above reasons, I conclude the proposed building would result in significant harm to the character and appearance of the surrounding area. It would be contrary to Policies SP9 and D1 of the NHLP which supports new development where it is well designed and located, responding positively to its local context. The proposal would also conflict with Paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character and adds to the overall quality of the area.

Other Matters

14. The proposal would provide for a satisfactory access and egress from Offley Road and refuse provision within the site. Parking standards would be below the guidance as set out in the Council's Supplementary Planning Document Vehicle Parking Provision at New Developments. However, from the information available to me, an appropriate level of parking would be provided given the sites location relative to services and alternative modes of transport.
15. The proposal is supported by an Ecological Appraisal. This includes details of protected species surveys undertaken, as well as measures to mitigate the effects of development and enhance biodiversity. The Council has advised that sufficient ecological information has been provided. I have no compelling reason to find differently, and subject to planning conditions, I find that there would not be unacceptable harm to wildlife or biodiversity. However, any enhancement to biodiversity or landscaping on the site would not outweigh the identified harms.
16. Policy D3 of the NHLP is referenced in the reason for refusal, however, this relates to living conditions and therefore is not applicable to my consideration of the main issue. Whilst the removal of some trees would open the site up to public view, given the separation distances between existing dwellings and the proposed building, the living conditions of the occupiers of the existing properties would not be harmed by way of a significant loss of light, outlook or overlooking. The future occupiers of the proposed flats would be provided with satisfactory living conditions in respect of internal space standards and outside communal space. The proposed development would comply with Policy D3 of the NHLP. However, the absence of harm on these matters does not outweigh the harm I have identified in respect of character and appearance.
17. There is no dispute between the parties that the principle of development is acceptable in this location that the proposal would make effective use of this partly previously developed site in a sustainable location whilst making a

relatively small contribution to housing supply, together with employment opportunities created during the construction phase off the development and spending in the local area by future occupiers. Given the scale of the development, I attach moderate weight to these benefits.

18. The latest published Housing Delivery Test result dates back to 14 January 2022. Since then, the Council has adopted a new local plan which indicates they have a 5-year housing land supply. Even if I accept the housing delivery is substantially below (less than 75% of) the housing requirement over the previous 3 years, as set out at Footnote 8 of the Framework, the adverse impacts arising from the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. I note the evolution of the proposal from a previously refused scheme and pre-application advice. However, I have considered the appeal proposal on its own merits based on the evidence before me.

Conclusion

20. I have found conflict with the development plan taken as a whole. There are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R. Gee

INSPECTOR