



Appeal Decision

Site visit made on 4 December 2024

by E Catchside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/X1925/W/24/3345023

137 Stevenage Road, Hitchin, Hertfordshire SG4 9DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rama Coceal against the decision of North Hertfordshire District Council.
 - The application Ref is 24/00329/FP.
 - The development proposed is erection of 1no detached 3-bed dwelling with new access off Folly Close.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework), to which I have had regard, was published on 12 December 2024. The parties have been invited to comment on the revised Framework, and I have taken the comments received into account.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 137 Stevenage Road, with particular regard to sunlight and daylight; and,
 - whether the proposal would provide an adequate standard of accommodation for future occupiers, with particular regard to outdoor amenity space and traffic noise.

Reasons

Character and appearance

4. The appeal site forms part of the garden of 137 Stevenage Road, which wraps around the host property adjacent to the Folly Close junction. Although the site is bound by fencing, the absence of tall buildings in the existing garden allows for views to be gained between Folly Close and Stevenage Road, which contributes to a sense of space despite the built-up nature of the area.
5. There is a mix of residential and commercial buildings in the wider locality, which display a variety of heights and styles, and some have been altered or

extended. However, the nearest properties to the Folly Close junction, and on Folly Close itself, are predominantly two-storey dwellings with simple forms and pitched roofs.

6. The proposed dwelling would have a similar height, building line, and plot ratio to nearby properties; and its external materials could be conditioned to ensure they are appropriate to the setting. However, the proposed gable end fronting the street would be at odds with the simple style and roof orientation that is common to the existing properties nearest the Folly Close junction. It would therefore fail to integrate sympathetically with the character of neighbouring buildings. The proposal would, therefore, fail to comply with the Framework insofar as it expects developments to be sympathetic to local character.
7. Due to the width of the driveway, the rear of the property and the car parking area would be exposed to views from the intersection of Folly Close and Folly Path, and it would detract from the relatively verdant character of the pedestrian route to central Hitchin. Whilst fencing and landscaping could soften those views to some extent, there would be insufficient space for effective screening due to the short depth of the car parking area. Moreover, whilst some side space would be retained, the proposed dwelling would occupy a large area of the site, thus adding substantial built form to this relatively open corner. Owing to its width, height, and proximity, the proposal would obstruct views that can currently be gained between Folly Close and Stevenage Road. It would, therefore, have an enclosing effect on the Folly Road junction to the detriment of the street scene.
8. The design and siting of the proposal has evolved following the Council's refusal of a previous iteration of the scheme. However, I have found the proposal would cause harm to local character. Therefore, whether or not it could be less harmful than a previous proposal is not determinative to my conclusions on this main issue.
9. Overall, I conclude that the proposed development would cause harm to the character and appearance of the area. Therefore, in respect of this main issue, there would be conflict with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011-2031 (LP) which expect proposals to be well designed and to respond positively to local context.

Living conditions

10. The proposed dwelling would be sited close to the side wall of No 137. I observed double doors in the side wall, which in the absence of substantive evidence to the contrary, provide the principal source of natural light to a ground floor habitable room. I have not been provided with any authoritative evidence to demonstrate the effect of the proposal on daylight and sunlight. However, due to the height of the proposed dwelling, and the orientation of the properties, the new home would in all reasonable likelihood cast shadows over the double doors, particularly during the mornings when the sun is rising.
11. Moreover, due to its narrow width and the height of the existing and proposed buildings, the space between the dwellings would be dimly lit, thus restricting daylight penetration through the double doors. Consequently, the living environment within the habitable room would be dark, gloomy, and unpleasant for its occupiers, contrary to the expectation of the Framework that high standards of amenity should be achieved for existing users.

12. I also observed that an obscured glazed doorway in the side wall of the host property provides access to a kitchen. However, the principal source of light to this room is a large rear window which would not be unduly affected by the proposal. Consequently, sufficient levels of daylight and sunlight would be maintained to the kitchen.
13. Overall, I conclude that the proposal would cause harm to the living conditions of the occupiers of 137 Stevenage Road, with particular regard to sunlight and daylight. Consequently, with regard to this main issue, there would be conflict with Policy D3 of the LP which resists proposals that cause unmitigated harm to the living conditions of existing users.

Standard of accommodation

14. On my site visit, I observed a steady flow of traffic along Stevenage Road. However, the dwelling would be sited in a well-established residential area, where many homes co-exist alongside the busy road. I have not been provided with a noise assessment showing the expected noise levels inside the proposed property. However, given that insulation and other noise mitigation measures could be secured through condition, the evidence does not lead me to conclude that traffic noise levels inside the property would be harmful to the living conditions of future occupiers.
15. I have not been directed to any development plan policy or guidance that sets out the minimum standards for external amenity space. However, the proposed garden area would not be significantly smaller than other gardens in the locality, and the site is within a short walking distance of the public open space at St John's Park. Moreover, whilst the external amenity space would be located predominantly to the front and side of the proposed dwelling, it could be screened from public views by fencing and landscaping and would provide a modest yet useable, private space for future occupants. The proposal would, therefore, accord with the Framework insofar as it seeks to secure a high standard of amenity for future users.
16. No harm has been identified in respect of the size of the internal living space, or the outlook from the property. Based on the evidence before me, and the lack of objection from the Council on these issues, I see no reason to consider these matters further.
17. Overall, I conclude that the development would provide an adequate standard of accommodation for future occupiers, with particular regard to outdoor amenity space and traffic noise. Therefore, in consideration of this main issue, there would be no conflict with Policies SP9, D1 and D3 of the LP which, collectively, seek to ensure developments provide acceptable living conditions that meet or exceed nationally described space standards.

Planning Balance

18. The proposal conflicts with the aforementioned development plan policies, and with the development plan when read as a whole. Proposals that conflict with the development plan should normally be refused unless material considerations indicate otherwise.
19. At the time the application was determined, the Council stated that it was able to demonstrate a five-year supply of deliverable housing sites, and it has not provided an updated position as part of the appeal. However, the appellant

has stated that there is a shortfall against the Framework's housing land supply requirement. In the absence of substantive evidence before me, I cannot be certain as to the current housing land supply position. If I were to accept the appellant's contention that there is a shortfall in the housing land supply, paragraph 11d) of the Framework would be engaged, and the appeal would fall to be considered against the test set out in paragraph 11d)ii. of the Framework.

20. I have identified harm would arise in relation to the character and appearance of the area, and the living conditions of the occupants of No 137. These harms lead to conflict with the Framework, which expects development to provide well-designed places that ensure a high standard of amenity for existing users.
21. Benefits would arise in terms of the contribution of an additional dwelling to local housing supply, which accords with the Framework's objective to significantly boost the supply of housing for different groups in the community. The proposal would improve the efficiency of the land by increasing the residential output of the site, in a well-established residential area, with good accessibility to the services and facilities in Hitchin. The Framework also recognises that small sites can make an important contribution to meeting the housing requirements of an area and are often built-out relatively quickly.
22. Additional benefits would arise through the creation of construction jobs, and there would be increased local spending and taxation in the longer term. Environmentally, the dwelling could feasibly achieve high sustainability standards and the development could deliver a net gain in biodiversity. These benefits weigh in favour of the proposal. However, the contribution that would be made by a single dwelling would be modest, therefore I ascribe the benefits moderate cumulative weight.
23. Taking all of the above into account, and even if there is a significant shortfall in the housing land supply position, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole and having particular regard to the policies referenced in footnote 9. Consequently, the presumption in favour of sustainable development would not apply.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catcheside

INSPECTOR