
Appeal Decision

Site visit made on 22 April 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th May 2025

Appeal Ref: APP/X1925/W/24/3356650

Land to the rear of 18 Victoria Road, Hitchin, Hertfordshire, SG5 2LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ms Amanda Mills against the decision of North Herts Council.
 - The application Ref is 24/00839/OP.
 - The development proposed is erection of one detached one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above. I have however taken the site address from the decision notice and appeal form as it more accurately identifies the appeal site location.
3. The proposal was made in outline with all matters reserved and I have considered the appeal on this basis. I have therefore treated the submitted drawing as being for indicative purposes only.

Main Issues

4. The main issues in this appeal are the effects of the development proposed on:
 - the character and appearance of the area; and
 - the living conditions of occupiers of 17 Victoria Road (No 17) with particular regard to outlook and light.

Reasons

Character and appearance

5. The appeal site falls within an area of residential character comprising two storey semi-detached properties to the north with their gardens enclosing the east of the appeal site. Behind a well established hedge on the opposite side of Lucas Lane is a caravan park. To the south are three similarly designed two-storey gabled fronted properties in a staggered arrangement with a part section of footway to the front. Beyond these three properties lies a bungalow sited at the junction with Lavender Way. Development on the southern side of the appeal site, particularly

the three dwellings results in a strong uniform layout of houses, which affords a pleasant suburban character to this section of Lucas Lane.

6. The appeal site previously formed part of the rear garden of 18 Victoria Road. This is in contrast to other properties along this side of Victoria Road, which have retained their original gardens, including No 17 adjacent to the appeal site. The appeal constitutes an overgrown, somewhat narrow and broadly rectangular piece of land accessible from Lucas Lane. The lane narrows opposite the appeal site as there is no dedicated footway, and the hedging opposite is well established, which also screens the caravans opposite.
7. Whilst the final scale and layout of development will be determined at the reserved matters stage, I must consider if the proposed development can be accommodated on-site. Moreover, the constraints on the site, such as the limited width of the plot, leave minimal potential to deliver this layout of development in a form substantially different to that set out in the illustrative plans. Indeed, the supporting evidence suggests that substantial consideration has been given to this being the preferred layout to overcome a previously refused scheme¹ on the site.
8. The indicative site layout shows a tall dormer-fronted bungalow set back a short distance from the lane with a side garden. This position would interrupt the uniform staggered layout of the three dwellings on this section of the lane, highlighting the prominence of a dwelling in this location. The rear of the property would also be situated a short distance from the rear garden of No 17. The layout would result in small strips of curtilage space to the front and rear that would be highly noticeable from users of the lane and from within nearby houses and gardens.
9. Whilst there are bungalows in the wider area, the proposed development would be visually disruptive to the established and recognisable pattern of the surrounding built environment on this section of the lane. It would further increase the perception of narrowing of the lane, resulting in an awkward design attempting to fit a dwelling into a tight and constrained plot of limited width. The proposal's location would starkly contrast with the established pattern of the built environment and, together with the presence of a side garden space, would appear cramped, contrived and visually discordant.
10. Whilst the submitted plan is indicative only, it fails to demonstrate a dwelling could be satisfactorily developed on the plot, even if it were oriented differently, that would be in keeping with the character or pattern of the local built environment.
11. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the area. Consequently, the proposal would conflict with Policies SP9 and D1 of the North Hertfordshire Local Plan (NHLP). Together, these policies seek new development to be well-designed, responding positively to local context. It would also conflict with the aims of the National Planning Policy Framework (the Framework) insofar as it seeks development to be sympathetic to local character.

Living Conditions

12. I found above the illustrative layout would be largely fixed and the inclusion of living space in the roof would mean the dwelling would be relatively tall. As such,

¹ Ref: 23/00620/OP

an assessment of the relationship between the proposed dwelling and the rear garden of No 17 can be undertaken.

13. The section of rear garden at No 17 closest to the appeal site at the time of my visit was used to grow vegetables and appeared to be at a slightly lower level. The proposal would see the introduction of a dwelling a short distance away from this growing area that is likely to be used for long periods. As the separation distance to the boundary of No 17 is limited, a dwelling in this location would appear as a dominant feature, which would have an overbearing effect on the outlook from parts of the rear garden of No 17. Moreover, the proposed development would likely give rise to a degree of overshadowing with consequent loss of daylight and sunlight to this area of the garden.
14. The Council have found there would be an appropriate separation distance between a proposed dwelling on the appeal site and the rear elevations of properties on Victoria Road. Given the distance between the appeal site and these properties, I find no reason to disagree.
15. For the reasons set out above, the proposed development would result in unacceptable harm to the living conditions of neighbouring occupiers at No 17. It would fail to accord with Policy D3 of the NHLP. This requires proposals not to cause unacceptable harm to living conditions of nearby occupiers.

Other Matters

16. There is no dispute with regard to the principle of a dwelling on the site and matters in relation to appearance and access could be agreed at reserved matters. Additionally, it is noted that the proposed scheme has sought to overcome the reasons for refusal of a previous proposal on the site. However, these matters do not lead me to reach a different conclusion on the abovementioned harms.
17. The proposal would meet the Framework's aims to significantly boost the supply of homes on windfall sites by delivering an additional dwelling to the Council's housing stock in a sustainable location. There would also be social and economic benefits associated with employment during construction as well as future occupants buoying up the local economy. There would also be the potential for environmental benefits through soft landscaping. However, in the form proposed, this development would result in the significant harms identified above, and the benefits of the scheme do not justify development that would be contrary to the development plan.

Conclusion

18. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
19. Therefore, for the reasons given above, the appeal is dismissed.

A Hickey

INSPECTOR