



Appeal Decision

Site visit made on 28 August 2018

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2018

Appeal Ref: APP/X1925/W/18/3202593

Land Rear of 33 Wymondley Road, Hitchin SG4 9PN

- 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 Johnson against the decision of North Hertfordshire District Council.
 - The application Ref 17/04274/OP, dated 7 December 2017, was refused by notice dated 14 March 2018.
 - The development proposed is a detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is in outline form with all matters reserved and I have assessed the appeal on that basis. Notwithstanding this, indicative plans have been submitted as part of the proposal. These indicate where the access point to the site would be situated, i.e. the existing access point that currently serves 33 Wymondley Road (No 33).
3. The proposal, on the basis of the indicative plans, is intended to be 2 stories in scale and to constitute a large family dwelling. The plans are however merely indicative and I must consider the appeal on the basis that all detailed matters are reserved and that any final proposal could be entirely different in terms of its appearance, landscaping, layout and scale. The point of access is however fixed by virtue of the constraints offered by the makeup of the appeal site. For the avoidance of doubt, I consider the proposal for outline planning permission on the basis of its description as a detached dwelling and associated works.
4. Since the submission of this appeal, a revised version of the National Planning Policy Framework (July 2018) has been published by the Government (the Framework). This is a material consideration in planning decisions. In this instance both the appellant and the Council were given the opportunity to provide comments with respect to any implications for this case. A response from the appellant was received and duly given consideration as part of the determination of this appeal.

Main Issues

5. The main issues are the effect of the proposal upon the living conditions of neighbouring occupiers at 33 and 35 Wymondley Road, with particular regard to noise and disturbance caused by increased use of the driveway access to the

site; and the effect of the proposal upon the character and appearance of the area, with particular regard to its relationship to the surrounding pattern of development.

Reasons

Living conditions of neighbouring occupiers at 33 and 35 Wymondley Road

6. The appeal site formerly made up part of the external area serving No 33, a large, detached residential property. In the interests of providing access via Wymondley Road to the main extent of the appeal site (situated to the rear), the site incorporates part of the existing driveway that serves, and is situated to the front of, No 33. The driveway then continues to the rear of the site via the side of the built extent of No 33; it is relatively flat in terms of its ground level.
7. The driveway is wide enough to incorporate single vehicular movements to and from the rear of the site and is bound by close boarded fencing to both of its sides. The fencing on the left hand side, when viewed from the front of the site, delineates the extent of private rear garden space retained by No 33. The fencing on the right hand side delineates the boundary of the appeal site with 35 Wymondley Road (No 35), which also constitutes a large, detached residential property.
8. The built extents of both No 33 and No 35 are situated very close to the driveway. With respect to No 33; its current internal layout provides, at ground floor level, a kitchen nearest to the driveway (with an external door situated within the side-facing elevation and a window opening to the front-facing elevation) and a bedroom immediately above this at first floor level (served by front and rear facing window openings).
9. With respect to No 35, there are a number of habitable room windows situated so as to address the appeal site's driveway. The internal arrangement at ground floor is such that a large open plan kitchen/living area occupies much of the available internal space; this is linked to a sun room that is fitted with glazed doors to both of its external sides. These doors lead out on to an external patio area situated to the side of the property and adjacent to the appeal site's driveway.
10. The proposal would intensify the way in which the driveway (most particularly the extent of which is located behind the front building line of No 33) would function on a day-to-day basis. Presently the rear extent of the appeal site constitutes undeveloped residential garden land. The introduction of a detached dwelling on the land would realistically be expected to introduce regular vehicular movements up and down the drive way; the timing and frequency of such movements would be uncontrolled and based upon the personal requirements and choices of the future occupiers.
11. In light of No 35's immediate relationship with the driveway and the way in which it is laid out both internally and externally, unwanted noise and disturbance caused by the introduction of additional vehicle movements and pedestrian activity along the driveway would be keenly felt. This is because of the close proximity of the driveway to a habitable elevation and the private garden of No 35. Important and readily accessible private garden space is provided for the occupiers of No 35 by the external patio area situated to the

side of the property. I also note that the external patio area is positioned at a slightly elevated level comparative to the ground level of the driveway, which would lessen the effectiveness of any mitigation provided against noise and disturbance by the close boarded boundary fence that is in situ. I consider that the proposal would have an adverse effect upon the living conditions of the occupiers of No 35.

12. Notwithstanding that only a single external door opening is contained within the facing side elevation of No 33, there are numerous front and rear facing habitable windows positioned in close proximity to the driveway (although I acknowledge that these are not orientated so as to face over the driveway directly), whilst the side perimeter of No 33's private rear garden area would be bound by it. It is unclear at this outline stage how access arrangements and any associated boundary treatment may be laid out before the front building line of No 33, but, in any event, it is considered that undue noise and disturbance would be caused via the intensified use of the driveway that would result from the proposal.
13. Furthermore, an extant planning permission to extend the ground floor at No 33 would have the effect of incorporating the kitchen within an open plan arrangement (i.e. which would promote its usability by existing occupiers) and would introduce a further side facing window at ground floor. Whilst not yet implemented, and therefore not determinative, this consent further serves to strengthen the finding that noise and disturbance would have a negative effect upon the living conditions of the occupiers of No 33.
14. I acknowledge that there is an existing private drive located close to and on the same side of Wymondley Road as the appeal site. This runs between 27 and 31 Wymondley Road (Nos 27 and 31) and provides access to 3 properties located to the rear (as well as to No 31 itself). The private drive has a close relationship with the facing side elevations of both No 27 and No 31; there are indeed similarities with the relationship observed between the appeal site's driveway and Nos 33 and 35. This private drive is however long established, which can be confirmed by the presence of 3 residential properties located to the rear that are also served by it. The relationship in place at this nearby site therefore, cannot be used to justify a significant intensification in the way that the appeal site's side driveway would be used. The same is true with respect to the current close relationship in place between No 35 and Wymondley Close; this is a long established access way that serves multiple properties beyond No 35.
15. Notwithstanding that vehicular traffic associated with the proposal would likely navigate the driveway at a relatively low speed given its narrow and single lane nature, this would not, to any significant degree, negate noise and disturbance being caused in what is currently a discreet location setback from Wymondley Road. It should be noted that, from inspection of the appeal site, I did not note high levels of background noise emanating from Wymondley Road. I do not consider that the presence of robust boundary treatment to both sides of the driveway provides adequate noise mitigation so as to alleviate concerns in this context, particularly taking in to account the immediate proximity of Nos 33 and 35 to the appeal site.
16. For the reasons above I conclude that the proposal would cause harm to the living conditions of neighbouring occupiers at Nos 33 and 35, with particular

regard to noise and disturbance. Accordingly, the proposal fails to comply with Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations (the NHDLP2) September 2007 in so far as it seeks to ensure that disturbance and noise caused by motor traffic is properly controlled and part 12 of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Character and appearance

17. The area surrounding the appeal site is typically characterised by large residential properties served by generously proportioned private garden areas. Whilst properties are also generally positioned to the front of plot and in close proximity to the highway, I acknowledge that there are examples in the vicinity of the site where properties are set behind frontage development. Most pertinently, 2 long established 2 storey dwellings, 29 Wymondley Road (No 29) and Lane End, as well as a recently constructed bungalow, 29A Wymondley Road (No 29A). These are accessed via the shared private drive that runs between Nos 27 and 31.
18. The rear boundary of the appeal site is heavily vegetated and there are examples of large individual tree specimens located toward the left hand side boundary of the appeal site (when viewed from the front), including a protected Dawn Redwood tree. These features contribute towards the appeal site being of verdant appearance; it also serves in providing a feeling of separation and openness between the various surrounding dwellings that are in existence.
19. I acknowledge that the prospect of a 2 storey property covering a substantial footprint area extending close to the full width of the site, as shown on the submitted indicative plans, causes concerns. However, the proposal is in outline form and is for a detached dwelling. Therefore, notwithstanding the indicative plans, I assess the proposal's effect upon the character and appearance of the area on the basis of whether a detached dwelling could be appropriately accommodated upon the appeal site.
20. As already referenced, there are a number of nearby examples of properties located behind frontage development. These include No 29A, which was granted planning permission in 2015 and has now been constructed upon a substantially smaller site when compared to the appeal site. No 29A occupies a limited footprint. Its modest hipped roof design and single storey height means that it is not unduly prominent in visual terms and it is observed to respect the pattern of development in the area rather than appear discordant to it.
21. In light of the existing presence of nearby dwellings located to the rear of frontage development, I consider that a modestly designed and sensibly scaled single dwelling could potentially be accommodated upon this large appeal site whilst safeguarding its overall verdant and spacious appearance (and allowing for the retention of existing mature tree specimens).
22. In this context, for the reasons above, I conclude that the proposal would not harm the character and appearance of the area, with particular regard to its relationship to the surrounding pattern of development. The proposal therefore complies with Policy 57 of the NHDLP2 in so far as it seeks to ensure that

development relates to the site's physical shape and existing features and the character of its surroundings.

Other Matters

23. On the basis that the submitted plans are merely indicative at this stage, I am satisfied that the appeal site, when taking into account the position of neighbouring dwellings and the separation distances that could be achieved, holds the potential to accommodate a single detached dwelling without negatively impacting upon the living conditions of neighbouring occupiers with regard to any potential overlooking or overbearing effects. The same is true with respect to the future occupiers of the proposal itself. Whilst views of the appeal site are available from neighbouring residential properties, the appeal site offers the potential for generous separation distances to be achieved.
24. Various previous appeal decisions relating to other sites have been submitted as evidence by both the appellant and third parties. Whilst these decisions have been read and taken into account, it should be noted that they were all issued following consideration of the individual site specific circumstances relevant to each decision which are different to those under consideration in the appeal before me now. They have therefore been afforded limited weight in this decision given their material differences when compared to the circumstances of this appeal.

Conclusion

25. I acknowledge that the proposal would deliver an additional housing unit and that the Framework reaffirms the Government's objectives to significantly boost the supply of homes and to promote an effective use of land. Furthermore, employment opportunities would be created during the construction phase of the proposed development. However the contribution of only one dwelling would be very modest and would not outweigh the significant harm identified to the living conditions of the occupiers of 33 and 35 Wymondley Road.
26. Therefore, for the reasons above, I conclude that the appeal is dismissed.

Andrew Smith

INSPECTOR