



Appeal Decision

Site visit made on 30 October 2018

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Ref: APP/X1925/W/18/3203304

68 Danescroft, Letchworth Garden City SG6 4RQ

- 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 Steve Packenas against the decision of North Hertfordshire District Council.
 - The application Ref 17/04216/FP, dated 30 November 2017, was refused by notice dated 4 May 2018.
 - The development proposed is detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's Decision Notice refers to Policy D1 from the emerging North Hertfordshire Proposed Submission Local Plan 2016 (NHSLP). In accordance with paragraph 48 of the National Planning Policy Framework (the Framework) weight may be given to emerging policies subject to the extent of unresolved objections. There is no substantive evidence before me which allows me to make this judgement and as the examination of the NHSLP has not yet concluded, I give this policy in the emerging Development Plan limited weight as a material consideration.

Main Issues

3. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the area; and
 - (ii) the living conditions of the future occupiers of the proposed dwelling with particular regard to the standard of accommodation and living space.

Reasons

Character and appearance of the area

4. The appeal site forms part of the garden area at the side of No. 68 Danescroft (No. 68) a two storey end-terraced property that occupies a prominent corner plot at the junction of Danecroft and Northfields. The proposal would involve the construction of a two bedroomed, two storey detached dwelling with provision of two parking spaces and ancillary works.

5. The appeal site is located in a mature well-established residential area, typically characterised by a mixture of two storey semi-detached and terraced dwellings set back from the road behind front gardens/driveways. The properties are relatively evenly spaced, of comparable scale and form, with uniform separation distances between them. Where garages and other structures exist between dwellings, these are very low, clearly subsidiary, and have little impact upon the sense of separation. No. 68 being situated on a corner plot has more expansive grounds, which add to the open character and appearance of the street scene.
6. Whilst visually the design of the proposed dwelling would be acceptable, the two storey form of the dwelling would nevertheless be substantial in this location. Such positioning, on what would be an atypically narrow plot, would compromise the sense of space and openness between the dwelling and the highway, interrupting the established pattern of development in the area and appear as a visually cramped and incongruous addition to the street scene.
7. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Danecroft and Northfields. I therefore consider that the proposed development, by virtue of its scale, siting and layout, would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
8. I have considered the appellant's statement that the scale and design of the proposed development would be in keeping with the other properties in the area and has been carefully designed in order to minimise any impacts on adjacent dwellings and the area. Whilst the use of matching materials and fenestrations would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
9. I have noted the other development proposals in the area drawn to my attention by the main parties. However, the one bedroomed dwelling at No. 64 Whitehicks and three bedroomed dwelling at No. 36 The Close, Royston both dismissed at appeal¹ have different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced the circumstances are compellingly similar to the appeal proposal and therefore accord them limited weight as precedents in this case.
10. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The development conflicts with Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations 1996 (NHDLP). This policy, amongst other things, seeks to ensure that all proposals for residential development meet the policy guidelines to achieve the highest standards of design that relate to and enhance their site and the character of the surrounding area, in terms of its layout, design, siting and scale. In addition, it would not accord with the aims of the Framework that seek to ensure developments secure a high quality of design (paragraph 124); and are sympathetic to local character, including the surrounding built environment (paragraph 127).

¹ APP/X1925/A/12/2186601 and APP/X1925/A/11/2164802

Living conditions of the future occupants

11. The Council considers that the proposed dwelling would provide inadequate standard of accommodation to meet the minimum gross internal floor area (GIA) of 70sqm required for a three person, two bedroomed, two storey dwelling nor 79sqm required for a four person, two bedroomed, two storey dwelling set out in the Government's National Technical Housing Standards². The appellant's statement sets out that the proposed dwelling would have a GIA of about 63sqm and the dwelling could be amended to a one bedroomed, two person dwelling to meet the minimum standards.
12. The Council set out that the proposal would not meet the requirements of Policy D1 of the NHSLP that states residential schemes meet or exceed the nationally described spaces standards. However, in view of my comments above regarding the weight to be afforded to this policy in the emerging Development Plan, I can only give this policy consideration limited weight. The Council has not referred me to any other specific requirements or standards for the amount of internal floor space required with this type of development. In the absence of any substantive evidence to the contrary from the Council, I consider based on the evidence provided, a satisfactory standard of accommodation would be provided with adequate floorspace for movement and circulation to deliver reasonable living conditions for the future occupants of the proposed dwelling in this particular case.
13. Consequently, I conclude that the proposal would not cause significant harm to the living conditions of the future occupants of the proposed dwelling with particular regard to standard of accommodation and living space. It would, therefore, accord with Policy 57 of the NHDLP that seeks to ensure that the total space and size of rooms meet the reasonable requirements of the expected occupants and serve their intended purposes. In addition, it would accord with the aims of the Framework that seek to ensure developments are with a high standard of amenity for existing and future users (paragraph 127).

Overall Planning Balance and Conclusion

14. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, the Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a supply. Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
15. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design and the additional housing opportunity in an accessible location. While I have given them some weight in favour of the appeal, these modest benefits would not be sufficient to outweigh the harm I have identified. Notwithstanding my findings on the lack of significant harm to living conditions of the future occupants of the proposed dwelling, I have found above that taken overall the development would harm the area's character and appearance to which I attach significant

² Department of Communities and Local Government (DCLG) Technical Housing Standards – Nationally described space standards (March 2015)

weight. In addition, I found that the provision of the dwelling in this location would conflict with Policy 57 of the NHDLP relating to design and character.

16. The harm set out above would conflict with the environmental objective of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the Framework read as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework. The Framework is a material consideration. However, in the circumstances of this appeal, the other material considerations do not justify making a decision other than in accordance with the development plan.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR