
Appeal Decision

Site visit made on 5 February 2019

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2019

Appeal Ref: APP/X1925/W/18/3214033
21 Sunnyside Road, Hitchin SG4 9JG.

- 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 Ricky Casalini against the decision of North Hertfordshire District Council.
 - The application Ref 18/02060/FP, dated 2 August 2018, was refused by notice dated 13 September 2018.
 - The development proposed is the erection of a one bed, 1½ storey dwelling following demolition of an existing redundant garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ricky Casalini against North Hertfordshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect on (a) the character and appearance of the area and (b) the living conditions of the occupiers of adjacent properties.

Reasons

4. The appeal site comprises the rear half of the garden of 21 Sunnyside Road, a two storey property resembling a semi-detached dwelling, but which in fact is divided into two maisonettes, with No. 21 occupying the first floor. It is located on the corner of Folly Path, a narrow road with a footpath along one side. On the opposite corner to the east of the appeal site is located a building of similar design and appearance to that at no. 21. The wider residential estate of Sunnyside Road consists of dwellings of similar age and design set within short terraces and semi-detached blocks fronting fairly wide streets with long narrow rear gardens.
5. The appellant suggests that the character of the area is locally recognised to be 'low grade' and that it makes no architectural statement. Whilst I would agree that in places it appeared unkempt, I do not consider that it lacks character and in my view it has a coherent and identifiable layout which is not without merit.

6. Folly Path leads to an area of rather different character and appearance, comprising a rear access way serving a separate and older residential terrace to the west. In between this and the Sunnyside Road area is a care home, which is sited to the rear (north-west) of the appeal site, and a further detached residential dwelling to the south, adjoining the rear gardens of the dwellings on the south-eastern side of Folly Path. The immediate vicinity of the appeal site is, therefore, somewhat varied in character. However, the appeal site is, to my mind, clearly part of the Sunnyside Road estate, albeit within the more open garden areas.

Character and appearance

7. The proposed detached dwelling would be unrelated to the built pattern of those in Sunnyside Road and would be finished in cedar timber cladding to its walls and roof with large windows, in contrast to the adjoining dwellings in Sunnyside which are of rough cast render with tiled pitched roofs. It would also introduce a one and a half storey building of substantial height within the rear garden area of the dwelling, sited up to the side, rear and front boundary of the site.
8. From what I saw on the site visit, whilst there are a number of outbuildings and sheds within the rear garden areas of properties within the vicinity of the appeal site, they are all single storey and appear as relatively small, ancillary buildings within these open garden areas. The proposed dwelling would therefore not only be an incongruous addition having regard to the established pattern and layout of the built form of the surrounding dwellings in Sunnyside Road, but would introduce a building that, mainly due to its height and siting, would be substantially larger than the existing garage and unduly large within its setting. I note that it would be sited at a lower level than those in Sunnyside Road to the north-east but when viewed along Folly Path it would be seen as a one and a half storey building sited prominently on the pavement edge. Whilst the care home to the south-west is a large building, it is only single-storey and set some way back from the Folly Path frontage and due to these factors, and screening along the common boundary, is not readily seen as part of this setting.
9. As noted above, there are buildings located to the south-west of the site which front Folly Path but these are both set back from the road frontage and are located on sites which lie beyond the established area of the Sunnyside Road properties. In my opinion they do not establish any meaningful street scene to which the appeal property could be said to relate.
10. The appellant has referred to a number of paragraphs of the National Planning Policy Framework (the Framework) relating to the achievement of good design. Whilst in some instances the paragraph references appear to relate to the superseded 2012 version, they are not dissimilar to those which appear in section 12 of the most recent version of the Framework. These also seek good design including that development should function well, add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change. It also emphasises that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, so long as they fit in with the overall form and layout of their

surroundings, and that effective use should be made of land to meet the need for housing, while safeguarding the environment.

11. Whilst I see no objection in principle to a modern design approach, and indeed timber cladding could not be said to be necessarily out of keeping with many nearby ancillary garden buildings, neither do I regard it as a particularly innovative approach. In any event, for the reasons given, I do not find that it would fit in with the form and layout of its surroundings thus the environment would not be safeguarded.
12. Overall I find that the proposal would have a significantly harmful impact on the character and appearance of the area. It would conflict with Policy 57 of the North Hertfordshire District Local Plan With Alterations (1996) (LP) which seeks to ensure that development relates to the site and its surroundings, enhances the character of the area and provides a high standard of design. There would also be conflict with the Framework, in particular paragraphs 127 (a), (b) and (c) and 131.

Living conditions

13. The proposed dwelling would be sited directly opposite the rear elevation of the dwellings in Sunnyside Road at a relatively close distance compared to the overall layout of the estate with small garden areas serving both properties in between. The proposed flank elevation would include a large living room window directly facing the rear elevation of the existing property and its windows and retained garden area.
14. However, the appellant has suggested that this window could be obscurely glazed to prevent any direct overlooking and I agree that a suitable condition could be imposed to achieve this. In this context I note that it is not the only window serving that room. As noted above the proposed dwelling would be sited at a lower level and given that its garden area would provide some separation from the retained property at No. 21 Sunnyside Road, a reasonable level of privacy and separation would be achieved.
15. I find that the proposal would not have a harmful effect on the living conditions of adjacent properties and would thus comply with those aspects of LP Policy 57 which seek to ensure acceptable relationships between dwellings in respect of privacy, orientation and light. In this respect it would also comply with Framework paragraph 127(f).

Other Matters

16. I have noted the lack of objection from local residents and the letter of consent from the owners of 21 Sunnyside Road, from whom the appellant leases the property, but these do not outweigh the harm that I have identified.
17. It appears to be agreed that the Council cannot demonstrate a 5 year housing land supply. Therefore, the presumption in favour of sustainable development as set out in paragraph 11(d) of the Framework applies. However, only a small amount of weight could be attributed to the benefit to housing supply arising from the provision of a single dwelling, whereas the harm to the character and appearance of the area that would result would be of significant weight. Therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework

policies as a whole. As such the proposal does not benefit from the presumption in favour of sustainable development.

Conclusions

18. Overall I find that the proposal would be an unacceptably harmful form of development, which would conflict with the LP. There are no other material considerations which indicate the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR