



Appeal Decision

Site visit made on 22 July 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/X1925/W/19/3227756

68 London Road, Baldock, SG7 6JL

- 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 Saunders (Foxberry Developments Ltd) against the decision of North Hertfordshire District Council.
 - The application Ref 18/02586/OP, dated 24 September 2018, was refused by notice dated 18 February 2019.
 - The development proposed is outline application for the proposed residential development of 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extension to Knights Court of Weston Way, with all matters reserved except layout and access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted, at appeal stage, an amended site layout plan (drawing number PL03 Revision E). The plan amends access, from London Road, to plot 08 only. This is a relatively minor amendment and given that the Highway Authority, as consultees, have responded directly to the amendment I have, on this occasion, taken the plan into account in the determination of this appeal.

Main Issues

3. The main issues to be considered are i) the impact of the proposal upon the character of the area and ii) the impact of the proposal upon highway safety.

Reasons

Character of the Area

4. The appeal site is currently occupied by a bungalow and domestic outbuildings within a large curtilage which forms the entire site. At the time of my site visit I walked around the site and noted that it is verdant with a large number of trees and varied vegetation as demonstrated in the existing aerial view¹. The principle of residential development on this site is accepted by both parties with the site forming part of a larger allocation within the emerging North Hertfordshire Local Plan 2011-2031. Change for the site is expected but in a manner which is design led and appropriate to the area.

¹ Figure 1 – Design & Access Statement (Job ref: 16752 – May 2018 Revision A)

5. There are a mix of property types in the area which I noted as I drove up London Road, around Clare Crescent, and down Weston Way. There are some detached properties along Weston Way, however, the vast majority of properties are semi-detached or terraced. Knights Court, to the West, is a modern flatted development. The properties off Ashton's Lane and Weston Way are located in large, long, plots. The combination of the garden areas within the surrounding area further emphasize the verdant, spacious, character of the area in and around the appeal site. Clare Crescent, to the North, is well spaced with good setbacks from the road, and large plots, as a typical interwar style garden city. Clare Crescent is currently the only development in close proximity which is inward looking and indicative of the character of existing back land development between London Road and Weston Way.
6. The lack of street frontage or visual prominence does not result in a reduced requirement for high standards of design and layout. The proposal seeks to deliver a pedestrian route through which local people can walk between Weston Way and London Road. The proposal would therefore be visible for users of such a link, not just future residents and those properties which adjoin the appeal site. The creation of high-quality places is fundamental to what the planning and development process should achieve, and developments should add to the overall quality of an area.
7. The appeal site layout proposes a limited range of house types with mainly large (four to five bedroom) detached dwellings with free standing and integral garaging. Any layout on this site will be unlikely to be able to compare to the long, large, plots typically found along London Road, Weston Way and Ashton's Lane given that these all face out onto roads in a linear fashion. In considering the submitted layout relative to the surrounding established development pattern the proposed dwellings would lie in notably smaller plots. Such plots are likely to exceed notional garden size standards but in the context which the appeal site is located, they would appear small and cramped in. Overall, I do not find the layout to respond positively to the local character of the area.
8. Whilst it is noted that landscaping is a reserved matter it does fall to consider whether the proposed layout is likely to be able to provide a suitable scheme. It is noted that trees on site are not afforded protection, through Tree Preservation Orders, but their removal would in this case be intrinsically linked to accommodating the proposed layout. The submitted Preliminary Ecological Appraisal (PEA) suggests that 75% of the existing resource (trees, bushes) would be lost. The PEA suggests replacement of trees at a rate of two-for-one.
9. Even with the areas of communal landscaping and green cores suggested I am not convinced, based on the evidence before me, that the proposed layout leaves enough space to accommodate such levels of landscaping at a reserved matters stage. The inability to provide compensatory planting would further contribute to the negative impact the appeal proposal would have upon the verdant, spacious, character of the surrounding area causing significant harm. The harm identified is not reduced because the appeal site is of no special or historic interest or subject to any designations.
10. I place limited weight in favour of the proposed scheme based upon estimated figures within a site allocation. Whilst the site does form part of a larger allocated site, which suggests a figure of twenty dwellings in total, such figures are widely appreciated to be estimates and subject to final design where often

more site information is available which can then inform appropriate design. Whilst numbers can be reduced it is possible, as evidenced by the Council, for sites to achieve numbers higher than plan estimates for the same reasons.

11. I note the submitted density comparison plan (PL05 Revision A), however, a range of considerations should be taken into account in establishing appropriate densities on a site including historic form, green infrastructure and amenity space as outlined in the Planning Practice Guidance relating to Effective Use of Land (PPG). Additionally density, for planning purposes can be measured in several ways not just using dwellings per hectare. Dwellings per hectare, used in isolation, can encourage particular buildings forms over others. It is therefore important to consider how housing needs, local character and appropriate building forms relate to density measures as outlined within the PPG.
12. Overall, I am not convinced that the submitted layout demonstrates that ten dwellings can be accommodated in a manner which responds positively to the local character of the area and improve the way it functions. A reduction in the number of dwellings would most likely be able to maintain the spacious and verdant setting, improve plot sizes and maximise space available for communal landscaping. This is not to provide public open space but to provide a layout which is more appropriate to the area. Making effective use of land, as required within the revised National Planning Policy Framework 2019 (the Framework), does not necessarily mean creating developments of the highest densities possible to the detriment of good design.
13. The proposal would conflict with saved Policy 57 of the Local Plan 1996 which requires the layout of new development to relate to the character of the surroundings. The proposal would also conflict with emerging North Hertfordshire Local Plan 2011-2031 (LP) Policy SP9 and Policy D1 which both support new development which responds positively to the site's local context, and LP Policy H3 which requires an appropriate mix of housing types and sizes.
14. The proposal would also conflict with paragraph 127 c) of the Framework which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and paragraph 127 e) which seeks to optimise the potential of the site and sustain an appropriate amount and mix of development (including green and other public space). I have no evidence before me to suggest that the proposed layout would conflict with LP Policy D3 as there is nothing to evidence that the proposal would cause unacceptable harm to living conditions of future occupiers nor existing residents.

Highway Safety

15. At the time of my site visit I accessed the site, in a vehicle, from the London Road. I noted that the access is narrow and that my car, a small 4 x 4, took up the entire width of the access road. The appellant has submitted a Highway Note, and a revised plan² which states that the access off London Road would provide vehicular access for plot 08 only. It is noted that the access off plot 08 would be serving a single dwelling, as is currently the case, but the key difference is that the overall proposed layout suggests a pedestrian/cycle link

² Proposed site plan LP03 Revision E

- between the other plots and London Road which raises potential conflict in being shared by traffic, pedestrians and cyclists at the same time. In that regard crash map data is of limited weight as the issue raised is with potential conflict for users of the access track itself, not whether there is accident history within the vicinity of the existing access as it currently stands.
16. I have no evidence that the existing land use generates a greater number of vehicle trips than would be generated by the proposed single dwelling (plot 08) using this access. I do not have any details or evidence that there is a commercial unit on site as stated within the appellant's final comments which would result in a reduction in traffic movements.
 17. The initial Combined Stages 1/2 Road Safety Audit³ highlights potential for head-on collisions between entering and leaving vehicles and recommends passing places close to the entry/exit point from London Road. I have noted the designer's comments; however, I am not convinced from the revised plan that these issues have been robustly addressed. The original tracking visibility plan⁴ does show a passing point in front of plot 08 and vehicles waiting in a crossover off London Road, however, I find vehicles waiting in this area to present a potential conflict with pedestrians utilising the pavement. The access is such that users entering the site would be unable to see whether a car was leaving the site, or a pedestrian was walking on the access, until partially in the site access. This would then result in reserving/manoeuvring back into the crossover to allow vehicles to pass which represents potential for further conflict with pedestrians.
 18. The Highway Authority (HA) confirm that their initial view of refusal is upheld, and I have no evidence before me to conclude differently. Whilst the revised plan sought to address the concerns raised, by making a minor internal change to the site layout, I do not find that it addresses all of the concerns raised within the HA objection and reason for refusal. Other, unaddressed, concerns include that tracking for refuse vehicles was undertaken with a smaller refuse vehicle than one in use by the Council and failure to provide space for access and turning of a fire tender. Furthermore, no justification has been put forward by the appellant to justify why the proposal cannot be accessed from Knights Court in its entirety with the existing access to London Road being safely utilised as a pedestrian and cycle link.
 19. I note the Council's committee report raises concern with the level and type of parking provision, however, as it is not stated as a reason for refusal, I have not considered this issue within the determination of this appeal. In any case the appeal would still be refused on highway safety grounds for the reasons outlined above. The proposal would conflict with Hertfordshire's Local Transport Plan 2018 which seeks to ensure that access arrangements are safe and suitable for all people and emerging LP Policy T1 which requires safe, direct and convenient routes for pedestrians and cyclists to be provided within major developments.
 20. The proposal would also conflict with paragraph 108 b) of the Framework which requires that safe and suitable access to the site can be achieved for all site users and paragraph 109 which states that development should be refused on

³ Ref: London Road Baldock/RSA1/2 Nov 2018

⁴ Drawing Number: E3846/400/A

highway grounds if there would be an unacceptable impact on highway safety. The proposal would also conflict paragraph 110 c) which aims to minimise the scope for conflict between pedestrians, cyclists and vehicles and paragraph 130 which states that permission should be refused for development of poor design that fails to take the opportunities to improve the quality of an area and the way it functions.

Planning Balance

21. The Council cannot currently demonstrate a five-year housing land supply and the policies, for the supply of housing, are therefore out of date. As a result of this the presumption in favour of sustainable development in paragraph 11 d) ii) of the Framework is engaged.
22. There would be a social benefit in the supply of ten dwellings which would positively contribute towards housing supply which is of moderate weight in favour of the proposal, however, the social benefit is reduced by the fact the housing proposed does not promote diverse housing stock. There would be short term economic benefits during the construction phase as well as longer-term benefits through occupation of the dwellings where occupants could utilise local services and would pay Council Tax. This also weighs in favour of the proposal, but such benefits would be modest for ten dwellings.
23. Despite this the proposal has failed to positively respond to the local character of the area and I consider this to result in environmental harm. Good design, which includes layout, is a key aspect of sustainable development which I do not find the proposal has achieved. The proposal also fails to provide safe and suitable access with a high risk of conflict between pedestrians, cyclists and vehicles accessing the site. This is in direct conflict with policies within the Framework. Both of these findings are adverse impacts which carry moderate weight against the proposal.
24. As a result of the above I find that the benefits of the scheme, when assessed against the policies in the Framework as a whole, do not significantly and demonstrably the adverse impacts which I have identified.

Other Matters

25. I note submissions regarding what has, or has not, happened within the site to the North of the appeal site. These are of no relevance to the determination of this appeal. Comments relating to the preparation of the emerging Local Plan, the concerns raised within consultations for the emerging Local Plan, the impact of utilising other sites and the claimed behaviour of the parties during the application process, are also outside the scope of this appeal decision. The appeal has been determined on its own merits based on the evidence before me.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR