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## Appeal Decision

Site visit made on 3 September 2019

**by Rajeevan Satheesan BSc PGCert MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> September 2019**

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**Appeal Ref: APP/X1925/W/19/3231769**

**Land at Green Drift, Royston SG8 5BL**

- 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 & Mrs R & M Edgson against the decision of North Hertfordshire District Council.
  - The application Ref 19/00667/FP, dated 20 March 2019, was refused by notice dated 21 May 2019.
  - The development proposed is a single-storey dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

### Reasons

3. The site relates to a rectangular plot a land which previously formed part of the rear garden of No 42 Heathfield. No 42 is a new five bedroom dwelling<sup>1</sup> which was built to replace the pre-existing bungalow and garage. The new house has been built but the rear part of the rear garden has been fenced off to create the appeal site. The Council explain that the approved plans for this new dwelling show that planning permission was granted on the basis that the dwelling would have the appeal site as part of its rear garden in keeping with the established character of the Heathfield. This section of Heathfield is largely characterised by detached properties occupying relatively large plots with long rear gardens. I also observed during my site visit that the existing openness of the rear gardens on Heathfield combined with the existing trees and vegetation along the rear boundary with Green Drift, adds to the overall verdant quality of the area, adjacent to Green Drift.
4. The character of properties to the north<sup>2</sup> of the appeal site comprise semi-detached and terraced houses on Green Drift, built on smaller plots, in contrast to the larger plots and detached dwellings on Heathfield. The proposed dwelling with new vehicular access from Green Drift, built within the former rear garden of No 42, would contrast unfavourably with the existing pattern of development

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<sup>1</sup> Approved in Council Ref: 15/01048/1

<sup>2</sup> Compass point taken from the appellant's Planning Statement

in the area. In particular, this section of Green Drift (between the public footpath which provides access to Baldock Road, and the three dwellings to the rear of no 46 Heathfield), is largely characterised by the landscaped spacious rear gardens of Heathfield with established trees and vegetation along its rear boundaries, adjacent to Green Drift. Furthermore, there are no similar vehicular access points on this section and side of Green Drift. In this respect the proposed development would erode the spatial qualities of the area and would not respect the existing pattern of development in the locality.

5. Whilst the adjacent plot at No 40 Heathfield Road, has been subdivided with a dwelling built within its rear garden, I do not consider that this form of development is characteristic of the prevailing pattern of development in Heathfield and therefore, does not provide support for the appeal proposal. Nor do the three dwellings, with a single point of access, to the rear of 46 Heathfield, since these are located at the end of Green Drift adjacent to the turning area in the road. As such these dwellings, to the rear of No 46 are materially different and in any case, I have determined the appeal on its own merits.
6. The architectural design of the proposal would be similar to those found elsewhere in the area. Furthermore, the overall height of the development would be lower than those of neighbouring properties. The appellants also seek to retain and replace existing landscaping and trees. However, these positive aspects of the proposal would not outweigh the harm I have identified to street scene as the position of new dwelling and vehicular access in this part of Green Drift would be particularly incongruous.
7. The proposal would create a visually discordant form of development, which would reduce the openness of the land to the rear of No 42 which would be harmful to the character and appearance of the area. Having regard to the above, I therefore conclude that the proposed development would be contrary to policies 21, 26 and 57 of the North Hertfordshire District Local Plan No 2 with Alterations, 1996, which amongst other things, requires proposals to maintain the general pattern of landscape features, and of public and private open spaces, and relate to the character of the surroundings.
8. The proposal would also conflict with Policy D1 of the emerging North Hertfordshire Local Plan 2011-2031 Proposed Submission, 2016 (ELP), which requires development proposals to respond positively to the site's local context.
9. The proposal would also conflict with paragraph 127 c) of the National Planning Policy Framework (Framework) which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and paragraph 130 of the Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

*Other matters*

10. I have considered the Council's argument that the current proposal would set a precedent for similar developments in the area. Whilst each application/appeal must be considered on its own merits, I can appreciate that the Council's concern that approval of this proposal could be used in support if such similar

schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern, just as the appellants have cited the existence of the dwelling at No 40 Heathfield to support their scheme. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would exacerbate the harm to the character and appearance of the area which I have described above.

11. The appellants have referred to a number of other developments in support of their case. However, I do not know the full circumstances of those cases and therefore cannot be sure that they represent a direct comparison to the appeal proposal. As such, I have dealt with the proposal before me on its merits, and in accordance with its site specific circumstances, and relevant national and local policy.

### **Planning balance and conclusion**

12. The proposed development would provide a net gain of one additional dwelling and would make a modest contribution to the Council's housing requirements. Furthermore, the site is in an existing residential location with access to local shops, services and public transport and the proposal would contribute towards provision of dwellings suitable for occupation by the elderly and adaptable for wheelchair users. I give limited weight to these social benefits. There would also be limited economic benefit to the area, in terms of construction jobs, and an equally limited increase in investment in the area following the occupation of the development.
13. The appellants also contend that the development would provide acceptable living conditions for future and existing occupiers and that adequate visibility splays, access and parking for the development would be provided. However, a lack of harm in these respects is a neutral consideration that does not weigh in favour of the proposal.
14. There is dispute between the parties as to whether the Council is able to demonstrate a five year housing land supply (HLS). However, even if I were to accept the appellants' view that the Council is unable to demonstrate a five year HLS, the identified harm to the character and appearance of the area, would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against development plan policies and the Framework when taken as a whole.
15. For the reasons given, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

*Rajeevan Satheesan*

INSPECTOR