
Appeal Decision

Site visit made on 24 October 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/X1925/W/19/3233158

Edgley, Grange Bottom, Royston, Herts SG8 9UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr P Kenyon against the decision of North Hertfordshire District Council.
 - The application Ref 18/01661/RM, dated 21 June 2018, sought approval of details pursuant to condition No 1 of a planning permission Ref 16/01234/1, granted on 13 July 2016.
 - The application was refused by notice dated 27 March 2019.
 - The development proposed is up to 4 x 3- bedroom town houses with associated parking and amenities following demolition of existing dwelling.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The outline planning permission was granted with all matters reserved for future consideration in 2016¹. This proposal seeks approval of access, appearance, landscaping, layout and scale. I have assessed and determined the appeal on this basis.
3. I note the Local Plan 2011 – 2031 Proposed Submission October 2016. However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.
4. I note the discrepancy in the spelling of Edgley in the appeal form compared with the application form and decision notice. From the wider evidence I consider the correct spelling to be Edgley as stated in the header above.

Main Issues

5. While I note the number of reasons for refusal, from the evidence before me, the main issues are:
 - the effect of the proposed development on the character and appearance of the area;

¹ Council ref: 16/01234/1

- whether the proposed development would provide a suitable living environment for future occupiers with particular regard to outlook, private amenity space and refuse and recycling storage;
- whether the proposal would provide adequate parking provision and the effect of the proposal on highway safety; and
- the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and appearance

6. Grange Bottom is a residential street with primarily two storey dwellings in buff brick and timber cladding with modest front gardens. There is a considerable change in levels along the street and particularly across the north side of the road which slopes up significantly. The dwellings along the north side of the street are traditional in style but with varied forms compared with the dwellings along the south side which are more unified. Therefore, given the height, layout and materials of the dwellings, the street has a spacious unified feel.
7. The proposed dwellings would be located on the north side of the road on a steeply sloping site. The proposed semidetached dwellings would be two and three storeys high with split levels to respond to the change in site levels.
8. From the evidence before me, the proposed dwellings would be significantly taller than the adjacent dwelling at No 19 Grange Bottom (No 19) and given their position on higher ground, would be at a higher level than other properties along Grange Bottom. The dwellings would be set much closer to the pavement than the existing dwelling. They would also be at an angle to the road in contrast with the other dwellings which are sited perpendicular to the street. Therefore, given the height and siting of the proposed dwellings, they would appear harmfully dominant on the street scene thereby having a detrimental effect on the spacious character and appearance of the area.
9. Furthermore, given the prevalence of buff brick along the street and brown timber cladding on the north side of the road, the proposed red/brown brick and grey cladding would appear incongruous and adversely affect the unified character of the street scene.
10. While I note that the first reason for refusal may have been the same as that for the previous application and I acknowledge the correspondence between the main parties during the appeal process, each case must be determined on its own merits and I have assessed the appeal based on the evidence before me.
11. I also note comments regarding the proposed design and that submitted for the outline permission as well as the approved permission from 2006². However, in that case all matters relating to access, appearance, layout, landscaping and scale were reserved for future consideration and the submitted drawings were assessed on an indicative basis only.
12. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy 57 of the District Local Plan No.2 with Alterations originally adopted April 1996 Saved policies

² Council ref: 06/00126/1

under Planning & Compulsory Purchase Act 2004 Written Statement September 2007 (LP) which among other things requires new development to relate to the character of the surroundings. It would also conflict with paragraph 127 of the National Planning Policy Framework (Framework) in this regard.

Living environment

13. While I note amended drawing 18/049-03B which indicates a window to the kitchen area, it was not determined by the Council and has not been consulted upon. The drawing determined by the Council, 18/049-03A, does not show any windows to the kitchen or breakfast area. While I note a roof light, this space would not have any outlook and since future occupiers would be likely to spend substantial amounts of time in this area, the lack of windows would result in an oppressive living environment for future occupiers.
14. While the amended drawing indicates a window to the kitchen area, given the size of the kitchen and breakfast area and the location of the only window, the outlook from this area would still be insufficient such that the space would not result in a suitable living environment for future occupiers. Therefore, even if I were to have regard to this drawing, it would not alter my conclusion on this issue. I acknowledge that the appellant has referred to a previous design, however, I have determined the appeal based on the evidence before me.
15. While the rear gardens would be modest in size, they would be a regular shape and would be of an adequate area to meet the needs of future occupiers. I note the levels across this area of the site. However, these could be altered through a landscaping strategy that could be reasonably imposed via a suitably worded condition.
16. With regard to bin storage, the appellant has indicated that these could be stored at the front of the site, thereby reducing the drag distance to the pavement. Given the available space at the front of the proposed dwellings, I am satisfied that this could be achieved and controlled via a suitably worded condition. However, the lack of harm with respect to garden size and bin storage would not override the harm regarding outlook.
17. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard to outlook. Therefore, it would conflict in this particular regard with LP Policy 57 which requires among other things that the design and layout of new houses should be acceptable to most people in functional and social terms and that the sizes of gardens or private amenity space in a new housing development should relate to the needs of future residents.

Parking

18. The Vehicle Parking at New Development Supplementary Planning Document September 2011 (SPD) requires that new dwellings with more than 2 bedrooms have at least two parking spaces. Plots 2, 3, and 4 of the proposal would satisfy this requirement. However, Plot 1 would have one parking space, and the proposed garage would be too small to qualify as a parking space. Furthermore, the parking spaces appear to be at an angle significantly greater than 10 degrees from the perpendicular in a road with footways. Therefore, the proposal would conflict with the SPD and the Roads in Hertfordshire: Highway Design Guide 3rd Edition January 2011 (HDG) in this respect.

19. As part of the appeal, the appellant submitted a revised drawing which reduces the extent of landscaping at the front of the site to accommodate an additional parking space for plot 1 and drawing 60075/PP/001 which shows driveway tracking for a large car. However, these drawings have not been consulted upon. The tracking drawing suggests that manoeuvring by the reverse in/ drive out method and that access from all parking spaces could be achieved and access from all parking spaces could be achieved within 10 degrees from the perpendicular to the carriageway edge.
20. However, from the evidence before me, the driveways would still be arranged at an angle significantly greater than 10 degrees from the perpendicular of the carriageway and the 10 degrees arrangement indicated in the drawing could only be achieved by careful manoeuvring along the angled driveway. Given the angle and width of the driveways, it is unlikely that future occupiers would enter and exit the road at 10 degrees or less from the perpendicular of the road. In addition, there are areas of on street parking opposite to the appeal site that would reduce the width of the road thereby increasing the difficulty of manoeuvring into and out of the angled spaces. Consequently, it is likely that vehicles attempting to exit the driveway would be doing so at an angle that would restrict visibility of oncoming traffic thereby increasing the risk of collisions.
21. Therefore, even if I were to have regard to these drawings, while they may meet the requirement for the number of parking spaces, the proposal would nevertheless result in an unacceptable impact on highway safety.
22. Consequently, the proposed development would not provide adequate parking provision and would unacceptably harm highway safety. Therefore, the proposal would conflict with the SPD and the Framework in this respect.

Living conditions

23. While the height and position of the proposed dwellings would be prominent on the street scene, given the separation distance between the existing dwellings on the opposite side of the road and the proposed buildings, the proposal would not appear overbearing from the front of these dwellings.
24. No 57 Shaftesbury Way (No 57) is sited adjacent to the appeal site but its dwelling located higher up the slope and is accessed from Shaftesbury Way. As such it sits on much higher ground than the proposed dwellings. Since the proposal would be set further forward than the existing building and closer to the shared boundary, it would be more visible from the rear of No 57 than the existing building. However, it would be on lower ground, and given the conservatory of No 57 and tall vegetation along the boundary, it would not have an overbearing effect on the living conditions of these occupiers from the rear windows or rear garden of this property.
25. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to outlook. Therefore, the proposal would not conflict with LP Policy 57 which requires among other things that the design and layout of new houses should be acceptable to most people in functional and social terms. The proposal not conflict with the Framework in this particular regard.

Other Matters

26. I note concerns regarding the service provided by the Council. However, I have determined the appeal based on its planning merits and this has not altered my overall decision.
27. I acknowledge local concerns including those regarding internal layout, privacy and flooding. However, these have not altered my overall decision.

Conclusion

28. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR