



Appeal Decision

Site visit made on 6 January 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2020

Appeal Ref: APP/X1925/W/19/3239109

12A Highbury Road, Hitchin SG4 9RW

- 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 Ms M Thomas against the decision of North Hertfordshire District Council.
 - The application Ref 19/01341/FP, dated 4 June 2019, was refused by notice dated 31 July 2019.
 - The development proposed is a new dwelling to the rear of 12/12A Highbury Road, Hitchin.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Hitchin Conservation Area (the CA).

Reasons

3. The appeal site lies within the Hitchin Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a CA.
4. The character and appearance of the CA is derived from the architectural interest and grouping of the buildings within it. Both main parties confirm that the Hitchin Conservation Area Character Statement identifies the appeal site as being situated within Character Area 5, the significance of which is in being a well-maintained, architecturally embellished 19th and 20th century residential suburb within a well-established verdant setting. Houses vary in their style and are typically large in size with clearly defined frontages that have a presence within the streetscene and follow uniform building lines. The spaciousness of the extensive private gardens to the rear of houses contributes greatly to the overall leafy, suburban setting. Whilst the rear gardens are largely hidden from public views they are very much appreciated from private views from the rear of properties and form an intrinsic part of the overall character and appearance of the CA.
5. The appeal site forms part of the rear garden of 12/12A Highbury Road. The garden is substantial in size, similar to other properties along this stretch of Highbury Road and the gardens of properties backing onto them on The

Avenue, and makes a positive contribution to the spaciousness of this rear garden area. With the exception of small ancillary buildings, including a recently constructed home gym at the rear of the garden of 13 Highbury Road, these rear gardens are free from built form. Whilst generally, the spaciousness of the rear gardens within the locality are not readily appreciated from public views, the appeal site and its neighbouring gardens are appreciated from the adjacent public footpath.

6. I note that Nos 17 and 18 Highbury Road appear to have been developed in the rear garden of No 16. However, these properties have their own road frontage and presence within the streetscene and are read more as bookends to the dwellings along this stretch of Highbury Avenue, rather than backland development.
7. The dwelling would not have any site frontage with Highbury Road. It would not be readily visible from public views. Its positioning to the rear of the frontage dwellings would be in marked contrast to the strong pattern of development within the locality, which is currently absent of rear residential development. Therefore, it would fail to reflect the existing pattern of development and consequently harm the character and appearance of the CA.
8. Furthermore, the introduction of the dwelling within the rear garden area would diminish the spaciousness of the area, further detracting from the character and appearance of the CA. Whilst the dwelling would be visible from the adjacent footpath, the high boundary fence and vegetation would sufficiently screen it from public views. However, the dwelling would clearly be visible from rear views out of neighbouring properties, both on Highbury Road and The Avenue, whereby the diminishment of the spaciousness of the area would be significantly discernible.
9. The dwelling would be single-storey and of a contemporary design and therefore would not reflect the prevailing two and three-storey period properties along Highbury Road. This marked contrast in design would not be readily discernible from public views. Nevertheless, it would be noticeable from neighbouring properties and its failure to reflect the local design vernacular would exacerbate the incongruity of the dwelling within its backland setting.
10. I find therefore that the dwelling would significantly reduce the spaciousness of the area and fail to respect the prevailing pattern and design of development. As such, it would fail to preserve or enhance the character or appearance of the CA. I note that the Council does not rely on any policies within the development plan in support of its reason for refusal. However, it would nevertheless fail to accord with the historic environment objectives of the National Planning Policy Framework (the Framework).

Other Matters

11. I acknowledge the appellant's argument that the dwelling would be of size and shape that would be permitted development if it were to be used incidental to a dwelling. However, its use as a separate dwelling would have different, and more intense, domestic activities associated with it than a building used incidental to the enjoyment of a dwelling. For example, there would likely be greater comings and goings, vehicular movements and domestic paraphernalia. In any event, the proposal before me is for a new dwelling, not a building to be used incidental to the enjoyment of a dwelling. Furthermore, there is no

evidence before me to persuade me that there is a reasonable likelihood that, were I minded to dismiss the appeal, a building of a similar size and shape would be constructed under permitted development rights. Accordingly, I attribute very limited weight to this as a fallback position.

12. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar development. Whilst each application and appeal must be assessed on its individual merits, I can appreciate the Council's concern that approval of the dwelling could be used in support of such similar schemes on plots with similarly large rear gardens. Allowing this appeal would make it more difficult to resist further planning applications for similar development, and I consider that their cumulative effect would exacerbate the harm which I have described above. Although my decision on this appeal does not turn on this matter, it adds some weight to my conclusion on the main issue.
13. I note the Council's Conservation Officer has provided no comments on the proposal. Nevertheless, the Officer's Report makes clear that the Council's objections to it are with regard to its effect on the CA.

Balance and Conclusion

14. Paragraph 196 of the National Planning Policy Framework (the Framework) confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
15. The proposed dwelling would have less than substantial harm to the significance of the CA. It would have good access to a variety of services, facilities and employment opportunities; make a positive, albeit limited, contribution to the supply of housing; contribute towards the economy through providing construction jobs and through its occupants utilising local facilities and services; and, make efficient use of an underused large garden. These public benefits weigh in its favour. However, individually or cumulatively, they do not outweigh the harm to the CA.
16. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR