

not be undertaken without the prior written permission of the Local Planning Authority.

- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of the dwelling of any building, enclosure or swimming pool as described in Schedule 2, Part 1, Class E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.
- 7) The dwelling hereby permitted shall not be occupied until the means of vehicular access and the turning head has been constructed in accordance with the approved plans (drawing no.8749/P/010/A dated May '08).

### **Main issues**

2. The main issues in this case are:
  - (a) whether the proposed development, due to the size of plot, layout and relationship with neighbouring properties, would constitute unacceptable overdevelopment;
  - (b) whether the proposal would maintain or enhance the character and appearance of the Hertford Conservation Area (CA); and,
  - (c) whether the use of the proposed access would have an unacceptably detrimental impact on road safety.

### **Reasons**

#### **Issue a)**

3. The plot, excluding its access drive, would extend to some 25m by 14m; an area which equates with a density of the order of 30 dwellings/ha and one supported by national guidance set out in PPS3. The plot is of a similar size to a number in the locality. At its nearest, the rear extension of no.60 would be some 8m from the north-westerly windowless flank wall of the proposed dwelling; the majority of the rear garden to no.60 being some 10m deep. The proposed dwelling would have neither an unacceptably overshadowing nor unacceptably overbearing impact when viewed from no.60.
4. Due to its alignment, the rear of the bungalow at no.4 St Leonard's Road varies in distance from the rear boundary fence with the appeal site at between some 6m and 9m. This boundary is marked by a close boarded fence about 1.8m high. The rear elevation of the proposed bungalow would be some 9m away from this rear boundary. In this regard, the proposed bungalow would be further away from no.4 than the comparable relationship between no.2 St Leonard's Road and no.60 New Road; albeit that no.60 presents a flank elevation to no.2. As single storey properties there would be no loss of privacy for the occupiers of no.4 due to overlooking from the proposed bungalow.
5. The ridge of the proposed bungalow would be some 5.24m above ground level, and the appeal site is on slightly rising ground compared with no.4. However, while the ridge and much of the roof of the proposed bungalow would be visible from no.4, it would not be so close as to have an overbearing impact, and

would not result in any material overshadowing of the garden of no.4 other than in the late afternoon.

6. On the first issue I conclude that the proposal would not result in unacceptable overdevelopment.

Issue b)

7. The bungalows and other dwellings in this part of Bengoe do not exhibit any specific features which could be said to amount to particular local style or character. Due to the age of its designation, there is no conservation area statement for this part of the Hertford CA which can assist in this regard. While the design of the appeal proposal is criticised by the council as being 'basic', its simple, uncluttered and clean lines and fenestration mean that it would neither impose itself nor stand out uncomfortably from surrounding development so as to detract from the character and appearance of the conservation area. I conclude that the proposal would achieve the objective of preserving the character and appearance of the Hertford CA.
8. Bengoe Hall is a substantial property set well back from St Leonard's Road behind a substantial wall which restricts close views of this property. From the appeal site views are restricted by the roofs a nos.2 & 4 St Leonard's Road to glimpses of the roof and chimneys of the hall some 100m away.
9. The playing field to the west of the appeal site is on slowly rising ground and there are more open views of the roof and upper storey of the hall from here that would be partially obscured by the roof of the proposed bungalow. However, this would be over a narrow segment of the wider views that are available from the playing field; views that are already partially restricted by the St Leonard's Road properties. I am satisfied that the appeal dwelling would not have a detrimental impact on the setting of the Bengoe Hall.

Issue c)

10. The layout of the access makes provision for a turning head which would allow cars visiting the site to enter and leave in a forward gear. The footpath at this point is some 1.9m wide and, although marginally less than the 2.0m recommended back of pavement visibility distance, the driver of an emerging car would have adequate visibility of and be seen by other cars approaching along New Road. While cars approaching from the south west would be travelling down hill and therefore possibly at slightly elevated speeds, that part of New Road is long and straight and does not represent an unduly hazardous stretch of residential road. I conclude that the proposal would not have an unacceptable impact on the safety of motorists and other road users.

Conditions

11. The council put forward 7 conditions which it considered should be imposed in the event of the appeal being allowed. A standard time limit, the approval of details of external materials to be used, and approval of details of any boundary walls, fences etc. are appropriate, as is a condition requiring a programme of archaeological work. For reasons of highway safety, the new turning head and access should be completed and available for use prior to first occupation of the dwelling.

12. My decision has been based on the details in the submitted plans and, due to the proximity of neighbouring dwellings, it is appropriate to limit the opportunities to enlarge or otherwise improve and alter the permitted bungalow, or erect ancillary buildings or enclosures within the curtilage, by way of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and I shall impose appropriate conditions.

13. For the reasons given above I conclude that the appeal should be allowed.

*Edward A Simpson*

Inspector