



Appeal Decision

Site visit made on 10 November 2008

by **Philip Wilson** RIBA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
18 November 2008

Appeal Ref: APP/J1915/A/08/2083043

Land south of Gravelly Lane, Braughing, Hertfordshire

- 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 Croudace Homes and Landro Group against the decision of East Hertfordshire District Council.
- The application Ref: 3/08/0763/FP, dated 18 April 2008, was refused by notice dated 2 July 2008.
- The development proposed is the erection of 30 residential dwellings, new road junction and associated works.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue in this appeal is the effect of the development proposed on its surroundings, having particular regard to the location of the appeal site in the Braughing Conservation Area.

Reasons

3. The appeal site, presently unused pasture, is a little over 1 hectare in area. It lies to the south east of the junction of Gravelly Lane with Green End. The site slopes noticeably from west to east. A broad band of trees extends along the frontage to Green End. The Gravelly Lane boundary is defined by a hedgerow on a high bank.
4. A vehicular access from Green End would be formed at roughly the position of the present field access. To the south, fronting Green End, is a row of 2-storey cottages, listed in Grade II. A short distance to the east of the site is Braughing Bury, a Grade II* listed building. To the north of Gravelly Lane is a cluster of detached houses.
5. The appeal site is not allocated for housing in the current and adopted East Herts Local Plan Second Review 2007 but is within the settlement boundary of Braughing where local plan policy OSV1 permits limited small scale and infill housing development. The policy gives no indication of the number of dwellings that might be permitted but the pre-amble to the policy requires a range of house types, sizes and tenures. Criteria contained within the policy include requirements that development be sensitively designed, that it respects the character, visual quality and landscape of the village and is satisfactorily related to the village or surrounding area.

6. The Council does not allege conflict with policy OSV1, only with local plan policies ENV1 and BH6. Policy ENV1 requires all development to be of a high standard of design and layout, reflecting local distinctiveness. Criteria set out in the policy include a requirement for development to demonstrate compatibility with the structure of the area, to complement the existing pattern of street blocks and to relate well to the massing and height of adjacent buildings. They also indicate that consideration should be given to the impact of development on surrounding townscape and to the effect of any loss of open land on the character and appearance of the locality.
7. The Council does not object to the principle of the site being developed for residential purposes and I note that in his report on objections to the emerging local plan the Inspector commented that inclusion of the site within the village boundary indicated its suitability for future development. The comment makes no reference to the amount or intensity of development. While the Council appears to have accepted the principle of residential development, I cannot reconcile a proposal for 30 dwellings on a site exceeding one hectare with the concept of small scale housing or infill development, of the kind indicated by policy OSV1.
8. My site inspection included the whole of the conservation area and development beyond. During my inspection I particularly noted the size and distribution of houses that contribute to or define the character of the village. Notwithstanding its slightly unkempt appearance, the appeal site, in my opinion, presently makes a positive contribution to the character and appearance of the conservation area and to the setting of the village.
9. The development proposed on the Green End frontage is not dissimilar from existing frontage development to the south. It also reflects the presence of built development on land to the north of Gravelly Lane. In other respects the proposed layout, while it might represent an economic form of development, has little in common with the established pattern of development in Braughing. No attempt appears to have been made to respond to the informal arrangement of buildings that characterises most of the village or to reflect the comparatively low intensity at which development has previously occurred.
10. I recognise the way in which variations in the grouping of dwellings and changes in level might contribute to the scheme's visual interest but the close and regular spacing of buildings and limited variations in built form would be in sharp contrast with the informal layout and varied architectural character of buildings that presently make up the village. Such differences in elevational treatment and in facing materials as are indicated by the applications drawings are, to my mind, superficial. They do not, in my opinion, draw upon local distinctiveness. In these terms, I conclude that the development proposed would be visually and architecturally incompatible with its surroundings and would fail to satisfy the requirements of policy ENV1.
11. Local plan policy ENV1 does not place an obligation on the developer to improve the character of the area, but Government policy on design, as set out in Planning Policy Statement 1 (PPS1), advises that design which is inappropriate in its context or which fails to take opportunities available for improving the character and quality of an area and the way it functions should not be accepted. PPS1 also advises that high quality and inclusive design

should create well mixed and integrated development. For the reasons given, I do not consider that the development proposed represents a satisfactory response to PPS1 advice. The scheme would, in my opinion, appear as little more than a modern and largely self-contained residential estate at the edge of the village having little in common with its surroundings.

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Local plan policy BH6 requires new development in conservation areas be sympathetic in scale, height, proportion, form, materials and siting in relation to the general character of the area.
13. Although situated at the western edge of the village, the appeal site is firmly within the Braughing Conservation Area. The conservation area includes buildings of many different periods, forms and architectural styles interspersed with areas of open land. These combine to create a cohesive and distinctive character that is, in my opinion, worth conserving. For reasons already explained, I do not consider that the development proposed would be compatible with this character.
14. I therefore conclude on the main issue I have identified that the development proposed would be harmful to local character and would, contrary to the underlying objective of policy BH6, fail to preserve or enhance the character or appearance of the Braughing Conservation Area. It would, in fact, cause harm to the area's character and appearance.

Other Material Considerations

15. In determining the appeal, I have taken into consideration all other matters relevant to my decision. First, I note that discussions took place with Council officers on the proposals. I have no doubt those discussions were useful to both parties. They will not, however, ensure a grant of planning permission. Secondly, I note the benefits that the development would bring in terms of publicly accessible open space, footpath linkages and enhancement of the ecological potential of the site. These are benefits that I consider might also be achieved by development compatible with the area's established character.
16. Thirdly, Government policy, as set out in PPS3 *Housing*, advocates making the best use of land suitable for housing. PPS3 reiterates advice on design set out in PPS1. I note difference between the parties concerning the availability and deliverability of land suitable for housing. The Council's position is that a supply of approximately 5.6 years can be demonstrated. While I do not entirely reject the Appellants' assertion that actual availability, when assessed, might be significantly less, I do not consider that the possibility of a shortfall justifies permitting development that would cause lasting harm to local character.
17. The Appellants' explanation of the purpose and content of their unilateral undertaking is supplemented by explanations of an additional obligation relating to land ownership and the method by which financial contributions would be made. I have, in reaching my decision, taken into account that the undertakings provide for 12 units of affordable housing. While both undertakings appear to comply with Circular 05/2005 advice, they have only

limited relevance to the main issue I have identified. They do not alter my conclusions concerning the planning merit of the proposals.

18. I have considered the relationship of the development proposed to nearby listed buildings, taking into account the extent to which the appeal site forms part of their setting. In my opinion no separate issue arises in connection with the effect of the development on the setting of Braughing Bury or the listed terrace fronting Green End.
19. I have considered all other matters raised in representations but find nothing sufficient to affect my decision that planning permission should not be granted.

Philip Wilson

INSPECTOR