



---

## Appeal Decision

Site visit made on 21 August 2018

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> September 2018.

---

### Appeal Ref: **APP/J1915/W/18/3196077** **5 Greenway, Walkern, Stevenage SG2 7NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by \_\_\_\_\_ against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2925/OUT, dated 19 December 2017, was refused by notice dated 12 February 2018.
  - The development proposed is demolish existing 4 bedroom detached house with 9 connected outbuildings and replace with 10 car parking spaces and a single block of 1 bedroom terraced, back to back houses with extensive energy saving features in order to create homes for local, single people that are affordable to buy and affordable to run. Preserve the majority of the gardens and the extensive views as they are.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) has been published and I have therefore taken it into account in my decision. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.
3. The application was submitted in outline with all detailed matters reserved apart from the access. I have dealt with the appeal on that basis, treating the plans as illustrative except where they relate to the access.

### Main Issues

4. The effect of the proposed development on:
  - the character and appearance of the area bearing in mind it would be within the Walkern Conservation Area;
  - flood risk.

### Reasons

#### *Character and appearance*

5. The appeal site is within a residential area characterised by modern detached dwellings set in spacious plots similar distances from the road with spaces

- between the buildings and relatively open frontages. Thus the area has a relatively open and spacious character and appearance.
6. It is also within the Walkern Conservation Area (CA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
  7. The CA extends along the main route through the village taking in associated side roads such as Greenway. It is characterised by a mix of mainly traditional dwellings of a variety of styles with attractive traditional detailing and materials. The buildings are generally arranged along the road frontages and the relationship with the surrounding agricultural landscape is noticeable. In my view, the significance of the CA is derived from the traditional architectural detailing and layout of the buildings within it and its setting in the rural landscape.
  8. I acknowledge the appeal property has been extended and has a number of outbuildings. I also note the majority of the appeal site is at a lower level than the road and the proposal would involve dwellings which would have accommodation below ground level.
  9. However, even though all detailed matters apart from the access are reserved, eight one bedroom dwellings would inevitably involve the introduction of a significant additional bulk of built development, additional domestic paraphernalia such as bins and parked cars and large areas of hardsurfacing necessary for parking.
  10. I have considered the artists illustrations of what the proposed development may look like. I have also considered the illustrative sketch floor plans and the proposed schedule of accommodation. However, without specific details showing the proposed relationship with neighbouring dwellings, the full extent of hardsurfacing and the internal living spaces proposed, I am not convinced the appeal site could comfortably accommodate the level of development proposed. In my view the proposal would inevitably appear uncharacteristically cramped within the spacious setting, noticeably at odds with the detached dwellings nearby.
  11. Thus with the absence of specific details which demonstrate otherwise, I must find the appeal proposal would erode the spacious and open character and appearance of the area and appear incongruous within its setting. This conflict would harm the character, appearance and significance of the CA.
  12. The proposal would therefore be contrary to the provisions of the respective sections of the Act and would fail to accord with paragraph 193 of the Framework, which attaches great weight to the conservation of designated heritage assets and their settings. For the same reasons, I must therefore find the proposal would be in conflict with saved Policies HSG7, ENV1, OSV1 and BH6 of the East Herts Local Plan Second Review (2007) (LPR) which seek to ensure good design and safeguard the character and appearance of an area.

13. However, overall in the context of the significance of the heritage asset as a whole, I calibrate the harm arising from the proposed development, in accordance with paragraphs 195 and 196 of the Framework, as less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring. I will return to this matter in my conclusion below.

*Flood risk*

14. The proposed dwellings would be within Flood Zone 2 as identified on the Environment Agency's Flood Zone Maps. The appeal site therefore has a medium probability of flooding. Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
15. The Planning Practice guidance makes clear that buildings used for dwellinghouses are a more vulnerable use<sup>1</sup> which is only appropriate development in Flood Zone 2, subject to passing the Sequential Test. Furthermore, it identifies basement dwellings as highly vulnerable. The proposal would increase the number of dwellings from one to eight introducing additional residential development into a location at risk of flooding. Furthermore, notwithstanding the detailed proposals basement dwellings would mean a highly vulnerable form of development would also be introduced.
16. I have considered the evidence relating to flood risk in the design and access statement, the appellant's appeal statement and the flood risk statement submitted alongside the appeal. I note the ground floor of the existing dwelling is raised and the ground floor of the proposed dwellings would also be raised. I also note the comments that the appeal site has flooded three times in the last 44 years, is well defended and the associated photographic evidence showing that flood water did not reach the existing dwelling. I have also noted the comments with regard to the capacity of the River Beane flood plain and acknowledge the flood mitigation measures proposed as part of the proposed basement construction.
17. However, the fact the appeal site is in the ownership of the appellant does not negate the need to look at alternative sites with less risk of flooding. Furthermore, even if the existing dwelling is vulnerable to flood risk and the proposed dwellings would be of superior design in flood risk terms, this does not justify building more new dwellings in a location at risk of flooding if this can be avoided. Furthermore, development in flood zones can also place occupants of properties nearby at greater risk of flooding through water displacement.
18. That said, there is no substantive evidence before me which takes the form of a detailed Sequential Test. I am not therefore satisfied that alternative sites are not available which would avoid the need to develop in Flood Zone 2. I must therefore conclude that the proposed development would increase the risk of flooding in the area, putting future occupants at risk and nearby residents at greater risk, without appropriately considering developing in locations of a lower probability of flooding.

---

<sup>1</sup> Paragraph: 066 reference ID: 7-066-20140306

19. For these reasons, the proposal would conflict with the aims of Policy ENV19 of the LPR and the Framework which seek to direct development away from areas at risk of flooding. As the Sequential Test has not been passed I have not considered the appellant's attempts to address the Exceptions Test in any further detail.

### **Conclusion**

20. I note the proposal would provide eight new homes which would be suitable for young people and first time buyers adding to the supply and mix of housing in the area. I also note the limited availability of one bedroom properties in Walkern, the rising cost of homes in the area and the appellant's assurances that the proposed dwellings would be affordable for local people. I have considered the detailed evidence on the speed at which the proposed homes could be delivered and their need in the area. I have also noted the comments in support of the proposal.

21. I acknowledge eight new homes would be provided in a location where services and employment can be easily accessed. Related to such I note the rail links to London and note the associated economic and social relationship. I note new residents would provide customers and employees to the benefit of the local economy and there would be economic benefits associated with construction. I also the new dwellings would generate renewable energy and would be energy and water efficient with low running costs. I also acknowledge the comments about whether or not the Council is able to demonstrate a five year housing land supply.

22. However, I have found harm to the character and appearance of the area, harm to a designated heritage asset and harm arising from flood risk. Whilst seven additional homes would make a minor contribution to meeting any housing shortfall even with the tilted balance engaged the significant weight I attach to the benefit of additional housing even when combined with the other social, economic and environmental benefits are significantly and demonstrably outweighed by the environmental harm I have identified.

23. For these reasons, having had regard to all other matters raised, I conclude that the proposal would not accord with the development plan or the Framework and thus the appeal should be dismissed.

*L Fleming*

INSPECTOR