
Appeal Decision

Site visit made on 6 January 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/K1935/W/19/3239269
36 Fellowes Way, Stevenage, SG2 8BW

- 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 Mr and Mrs Reynolds against the decision of Stevenage Borough Council.
 - The application Ref 19/00383/FP, dated 25 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is a one bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located within a predominantly residential area comprising a variety of two-storey and single-storey dwellings of different designs and sizes. Dwellings are typically set back from the road with open frontages, which makes a positive contribution to the openness of the area.
4. The appeal site currently forms part of the rear garden of 36 Fellowes Way, which tapers towards the rear. The proposed dwelling would be located to the rear of the garden at the narrowest point, utilising an existing vehicular access off Fellowes Way.
5. Although dwellings on Fellowes Way do not follow a clearly defined, uniform building line they are nevertheless set back from the road with sufficient space at the front to provide a spacious frontage. The proposed dwelling would be sited further forward of the other dwellings within proximity of it, most notably 34, 34a and 36 Fellowes Way, with the point closest to its front boundary with the footway being approximately 900mm distance. Due to the tapering of the site, the eastern part of the dwelling would be set slightly further back than the western part. However, overall the dwelling would nevertheless appear significantly closer to the highway than neighbouring properties and consequently would fail to reflect the established pattern and grain of development, reduce the openness of the area and appear as an incongruous and unduly prominent feature within the streetscene.

6. The appellant refers to a dwelling to the west of the appeal site, to the rear of 55 Woodland Way (34a Fellowes Way), as well as a substation. They also refer to a number of blocks of garages in the locality. I concur with the appellant's view that these buildings do not compromise the openness of the area. These buildings are set back from the road, retaining a spacious, open street frontage. In marked contrast, the proposed dwelling would be significantly further forward of these buildings, therefore diminishing the openness of the area.
7. I acknowledge that the dwelling would be only be approximately 3.2m in height. However, as a result of its proximity to the highway, it would remain clearly visible above the boundary fence. I have also had regard to the trees within proximity of the site. Whilst they would afford some screening to the site, the dwelling would nevertheless remain clearly prominent within the streetscene.
8. I have also had regard to the dwelling being perceived as a building used ancillary or incidental to 36 Fellowes Way, which would not require planning permission. However, as a result of its vehicular access, which would allow clear views of the dwelling from the road and the general comings and goings and domestic activities associated with the dwelling, which would be separate to No 36, I do not agree that it would be viewed as an ancillary or incidental building. Therefore, I find no relevant comparison between the proposed dwelling and other ancillary buildings in the locality, including garages. Moreover, the Council makes a compelling case that as the building would be within 2m of the boundary, even if it was used ancillary or incidental to No 36, and not a separate dwelling, it would not be permitted development.
9. The proposed dwelling has been reduced significantly in height following the Council's refusal of a previous scheme¹ and therefore would have less of an impact on the character and appearance of the area. However, I do not consider that this reduction in height would reduce the impact to such an extent that it would not be unacceptably harmful.
10. I find therefore that the proposal would significantly harm the character and appearance of the area, contrary to Policies GD1 and HO5 of the Stevenage Borough Local Plan 2019, which, amongst other things, seek to ensure that development respects and makes a positive contribution to its location and surrounds; and, that windfall sites have no detrimental impact on the environment. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).
11. In their reason for refusal, the Council also cite their Design Guide Supplementary Planning Document 2009. However, I have not been presented with any particular elements of the guidance that the proposal would conflict with. Accordingly, I find no conflict with it.

Other Matters

12. The Council confirms that as of November 2019 they have a demonstrable 5 year housing land supply. The appellant does not dispute this. In the absence of any evidence to the contrary, I find no reason to conclude otherwise. As there is no argument before me that the most important policies for the

¹ LPA Ref: 19/00135/FP

determination of the appeal are out of date and that there is a 5 year housing land supply, I attribute full weight to the policies of the development plan. The 'tilted balance' set out in paragraph 11d of the Framework is not engaged.

Balance and Conclusion

13. The Council raise no objection with regards to the effect on neighbouring residential living conditions, highway safety, parking provision or heritage assets. However, the lack of harm in respect of these matters is not a benefit but rather a neutral effect, which affords no weight in favour of the proposal.
14. Nevertheless, the dwelling would have good access to services, facilities and job opportunities and would make a positive, albeit very limited, contribution to the housing supply. However, individually or cumulatively, these do not outweigh the harm to the character and appearance of the area.
15. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR