



Appeal Decision

Site Visit made on 22 June 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2021

Appeal Ref: APP/K1935/W/21/3268800

40 Burymead, Stevenage SG1 4AY

- 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 Warren Hopkins against the decision of Stevenage Borough Council.
 - The application Ref 20/00661/FP, dated 6 November 2020, was refused by notice dated 29 December 2020.
 - The development proposed is described as the "extension of existing terrace to form 1 x 1 bedroom two storey dwelling".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is the effect of the proposal on the:
 - character and appearance of the area,
 - living conditions of future occupiers with particular regard to internal living space and private garden space, and
 - living conditions of adjoining occupiers with particular regard to privacy for the occupiers of 42 Burymead, and

Reasons

Character and Appearance

3. The appeal site is an end of terrace dwelling which is part of a row of four properties which face into an area of open space. The row of properties lie perpendicular to Burymead, similar to a further row of properties on the opposite side of the open space.
4. The appeal site benefits from a garden area to the rear, front and side and it is proposed to extend the property into the side garden by erecting a further dwelling onto the end of the terrace. Part of the rear garden of the host property would be severed and given over to the new dwelling, along with part of the front garden to create a parking space. The remaining side area would be utilised as a garden.
5. The site lies within an established residential area which has a pleasing sense of rhythm and a degree of uniformity and spaciousness which is reinforced by the similar layout and appearance of dwellings. The side garden area of the site

contributes to the open character of the area, which is reflected in similar side and front garden spaces throughout the estate.

6. The proposed dwelling would broadly align with 42 Burymead (No. 42) to the south. However, it would nonetheless fill a large proportion of the plot, leaving only a small area to the side of the proposed dwelling to be used as a garden area, which, coupled with the proposed fencing, would significantly reduce the space at the site, eroding the openness at this part of Burymead. Notwithstanding the presence of the public open space to the front of the site, or that the appeal site is privately owned, the proposal would interrupt the uniformity of the street scene, resulting in an awkward and contrived form of development that would be out of keeping with the prevailing spacious character of the area.
7. Thus, the development would result in harm to the character and appearance of the area. It would be in conflict with Policy GD1 of the Stevenage Borough Council Local Plan 2019 (the Local Plan) and paragraph 127 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that developments respect and make a positive contribution to its location and surrounds. In reaching this decision I have also had regard to the Stevenage Borough Council Design Guide Supplementary Planning Document 2009 (the SPD).

Living Conditions – Future Occupiers

8. Policy GD1 of the Local Plan requires, amongst other things, all developments to meet the standards as set out with the nationally described space standards (the NDSS¹). In this instance, as a one bed, two person, two storey dwelling, the NDSS requires a gross internal floor area of 58 sq. m. The appellant calculates that the proposed dwelling would provide 58.6 sq. m, thus meeting the requirements of the NDSS. The Council however, state that the development would be marginally under the NDSS requirements at 57 sq. m.
9. In the absence of detailed evidence which accurately depicts the exact internal floor area of the proposed dwelling, I am inclined to take a precautionary approach and conclude that the development does not comply with the requirements of the NDSS. Whilst I acknowledge that the shortfall may be minor, given that the NDSS is the minimum space requirements for new dwellings, any deficit could have a detrimental effect upon the living standards of future occupiers.
10. Furthermore, the SPD also requires that new dwellings should provide a minimum garden space of 50 sq. m. As the development would provide some 58 sq. m, it would satisfy the SPD in that respect. However, the SPD also states that gardens should also normally have a depth of 10m. The Council calculate that from the side of the proposed dwelling, the garden would be some 5.8m at its deepest. Thus, it would fail to comply with the requirements of the SPD and I have nothing substantive before me to suggest that such a requirement is not reasonable for a scheme of this nature. Whilst I acknowledge that adequate garden would be provided in terms of overall space available, given its limited depth it would be a somewhat constrained and confined space that would not offer a good level of amenity for future occupiers.

¹ Technical housing standards - nationally described space standard, March 2015

11. Thus, the development would fail to provide adequate internal living space and external garden space for future occupiers of the dwelling. It would be in conflict with Policy GD1 of the Local plan, which seeks, amongst other things, to ensure that developments meet the NDSS and does not lead to an adverse impact on the amenity of future occupiers. In reaching this decision I have also had regard to the SPD.

Living Conditions - Neighbours

12. The rear elevation of the proposed dwelling would face onto the side elevation of No. 42. The two properties would be separated by some 10m which falls short of the 15m required by the SPD. However, although the side elevation of No. 42 contains a window at ground floor level, an existing garage block obscures visibility between the two sites. In addition, the first floor window in the rear elevation of the proposed dwelling would be obscurely glazed with only a top opening light. The window which exists in the first floor side elevation to No. 42 is also obscurely glazed. Therefore, as a result of the proposed window in the rear elevation being obscurely glazed and only providing ventilation, along with a 10m separation distance, notwithstanding the technical breach with the SPD, any overlooking between the two sites would be significantly reduced.

13. Thus, the development would not result in harm to the living conditions of adjoining occupiers through loss of privacy. It would not be in conflict with Policies GD1 and SP8 of the Local Plan which seek, amongst other things, to ensure that developments do not lead to an adverse impact on the amenity of adjoining occupiers. In reaching this decision I have also had regard to the SPD.

Other Matters

14. I acknowledge that, despite its spatial limitations, the design of the dwelling is acceptable and that suitable materials could be employed. Although as a small windfall site, the development would add to the overall availability of housing in the Borough, thereby helping to boost its supply. However, while noting the benefits that would result in this respect, I do not consider that it would outweigh the harm identified above.

Conclusion

15. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR