
Appeal Decision

Site visit made on 31 August 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 27th October 2016

Appeal Ref: APP/A1910/W/16/3151498

Land adjacent to 26 Station Road, Berkhamsted, Hertfordshire HP4 2EY

- 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 Nick Morrison (Rivergate Homes Limited) and Paul and Elizabeth Rooksby against the decision of Dacorum Borough Council.
 - The application Ref: 4/00645/16/FUL, dated 8 March 2016, was refused by notice dated 31 May 2016.
 - The development proposed is four dwellings and associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would provide suitable living conditions for the future occupiers; and
 - The effect of the proposed development on highway safety in the surrounding area.

Reasons

Living conditions of the future occupiers

3. The appeal site is a long narrow strip of land between Station Road and a railway line to the north. The site tapers from north-west to south-east and has a significant change in level between the road frontage and the rear of the site. This becomes more pronounced at the south-east end of the site. A number of large nature trees are present just outside the boundary of the appeal site to the north east. Due to the ground level changes on the site it would be necessary to provide substantial retaining structures at the rear of the properties to allow the houses to be built.
 4. Policy CS12 of the Dacorum Core Strategy 2013 (Core Strategy) and the Saved Appendix 3 of the Dacorum Borough Local Plan 2004 (Local Plan) seek to ensure that high quality development is achieved which provides suitable living conditions for future residents and protects the living conditions of existing residents. The National Planning Policy Framework (the Framework) also seeks high quality new housing and that new development provides a good standard
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- of amenity for all occupiers. Appendix 3 addresses the matter of private amenity space at new dwellings and recommends that rear garden areas should have a minimum depth of 11.5 metres. This is not achieved by any of the proposed dwellings with the rear gardens ranging between three and six metres in depth.
5. The Appendix does allow on infill developments garden depths which are below 11.5m but of equal depth to adjoining properties. The appeal site would be considered an infill development and the garden depths are similar to those at the adjacent properties at 26 and 27 Station Road. I saw on my site visit that the gardens of properties on the south side of Station Road also vary in depth, with those at the west end also being relatively short. My attention has been drawn to other properties in the wider area with smaller rear gardens and yards, although I saw these were, in general, older properties that were constructed before the Local Plan was adopted.
 6. The Appendix also requires that all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area. Although the rear gardens of the proposed dwellings are not deep, it is evident from the submitted drawings that in overall area they are not disproportionately small as the proposed dwellings would have frontages approximately 7.5 metre wide. and the length of appeal site allows for amenity space to be provided at the side of the dwellings. However, due to the ground level changes on the site, the garden areas would have to be terraced and retaining structures introduced, which would in some respects limit the functionality of the amenity space, particularly to the immediate rear of the dwellings.
 7. Although amenity space is provided at the side of the dwellings, in the case of Plots 1 and 2, this is a narrow space enclosed between the gable of the house and a 1.8 metre high fence adjacent to the driveways. Whilst, the overall area of the gardens is not dissimilar to other gardens in the vicinity, they are irregular shapes and defined by gable walls, high fences and retaining structures which would diminish the quality and utility of the spaces.
 8. There are public open spaces within reasonable walking distance of the appeal site and Appendix 3 does make allowances for reduced rear garden depths where the development is in proximity to open space or amenity land. Nevertheless, whilst this would cater for some recreational needs and to a certain extent compensate for the poorer quality of the external spaces adjacent to the dwellings, the function of amenity space around a dwelling has to be considered within the context of the development as a whole.
 9. Whilst I am satisfied that the retaining structures could be designed in such a way that, where they are visible from Station Road, they would not cause harm to the appearance of the area, the extensive use of retaining structures within the amenity spaces would have an effect on the living conditions of the occupiers of the new dwellings, particularly on Plots 3 and 4, which I shall turn to next.
 10. The proposed houses on Plots 3 and 4 would have a small open space to the rear that would be approximately 2 to 2.5 metres deep and bounded by the retaining structure which would be approximately 3 metres high at this point. The ground floor of the proposed houses would be a combined kitchen and dining with a window in the kitchen area and a French window in the dining

area facing onto the retaining structure. The combination of the very small external area to the rear of the living accommodation with the height and proximity of the retaining structure would, in my view, result in an excessively overbearing effect on the ground floor rear of the proposed houses and provide a very poor outlook from them. Additionally, as the rear of the properties face north east, they would receive little or no direct sunlight and consequently the interior of the ground floor rear of the houses on Plots 3 and 4 would be very dark.

11. This would be exacerbated by the presence and proximity of the trees beyond the site boundary, which are very tall and have dense canopies in addition to being at a higher level than the proposed dwellings. The upper floor rear windows of all of the proposed dwellings, whilst being above the level of the retaining structure would still experience a significant degree of shading from these trees. Although the trees are deciduous, the upper floors of all of the plots would experience this shading for a substantial part of the year.
12. The site backs onto a main railway line and an area used for the storage of timber and building products. A noise and vibration study was submitted with the planning application and I note that the Council's Environmental Health Officer did not disagree with the findings of this. From the evidence before me, I have no reason to reach a different conclusion.
13. This notwithstanding, I consider that the combination of the restricted functionality of the amenity areas and the effect of the retaining structures and the trees beyond the site boundary would result in the development not providing satisfactory living conditions within the proposed houses. The proposal would as a consequence be inconsistent with Core Strategy Policy CS12 and the Framework.
14. I therefore find that the proposal would not provide satisfactory living conditions for the future occupants of the dwellings. It would not comply with the relevant requirements of Core Strategy Policy CS12, the guidance in Saved Appendix 3 of the Local Plan and the requirements of the Framework to deliver high quality homes and provide a good standard of amenity for the future occupiers of buildings.

Car Parking and highway safety

15. Saved Policy 51 of the Local Plan requires that development proposals be assessed specifically in highway and traffic terms and should have no significant impact upon, among others, the design and capacity of parking areas and the implications for on-street parking. Core Strategy Policy CS12 further requires that development should provide a safe and satisfactory means of access for all users.
16. The area of land between the carriageway and the appeal site is currently within the highway boundary and is used on an informal basis for the parking of cars. It is finished in unbound stone chippings and is not formally marked out. At the time of my site visit, this area was fully occupied with parked vehicles, as was another smaller area to the west beyond 26 and 27 Station Road. Vehicles parked on the south side of Station Road restricted the effective width of the carriageway along a substantial proportion of its length.

17. There are parking restrictions in the form of double and single yellow lines on Gravel Path and around the junctions with Station Road, Ellesmere Road and George Street. At the time of my site visit the available on street parking on Station Road and the nearby streets was very heavily used and only a limited number of spaces were available.
18. It is not suggested that the proposed development does not provide sufficient on-site parking to accommodate the car parking associated with the new dwellings, or that the accesses to the new dwellings from Station Road are unsatisfactory, and the reason for refusal focusses on the loss of on-street parking.
19. The appeal proposal would formalise the publically available parking on this land and would provide 10 parking spaces. The parking survey submitted by the appellant shows that the capacity of the informal parking on the site frontage is approximately 17 spaces and that it is mainly used by residents in the area with between 11 and 13 car being parked in the evenings and at the weekend. Whilst the Council question the validity of some elements of the survey, this part is not in dispute.
20. The proposal would result in a small loss of between 2 and 4 parking spaces available to these residents, however, the use of these spaces is on an informal basis and not limited to residents. There is a very limited amount of on-street parking capacity nearby which could accommodate some of the displaced cars. Whilst it is evident that there is a high demand for parking in the area, the proposed development would lead to only a very small reduction in the overall level parking provision, which would not, in my view, be so significant as to warrant refusing planning permission on this ground.
21. The number of vehicle movements and manoeuvres generated by the development would not significantly exceed the number of manoeuvres arising from the current use of the frontage for parking. Whilst vehicle conflicts currently occur on Station Road, due to its width being restricted by vehicles parked on the south side, the vehicle movements generated by the site would not significantly worsen this situation. I also note that the Highways Authority have not raised an objection to the proposal in this regard.
22. I therefore find that the proposed development would not cause harm to highway safety in the area and would comply with the relevant requirements of Saved Policy 51 of the Local Plan and Core Strategy Policy CS12 which seek to ensure that new development has a safe and satisfactory access and has no significant impact on the capacity of the road network or on street parking.

Other Matters

23. The appeal site is located within the Berkhamsted Conservation Area which covers a large part of the central area of the town. The scale and external appearance of the proposed dwellings take clear design cues from the surrounding buildings. The appeal site in its present form makes a positive contribution to the character and appearance of the conservation area, however, the proposed development would retain the mature trees at the rear of the site which make a strong visual contribution and the design of the proposed new dwellings would be consistent with the surroundings. Therefore, I am of the opinion that the development would not cause harm to the

character and appearance of the conservation area and I note that the Council's Conservation Officer had no objections to the proposal.

24. I also note that the appeal site is within an established residential area with good transport and accessibility to shops, services and facilities. However, none of these factors either singly or cumulatively outweigh the unsatisfactory living conditions that would result for future occupiers of the development.

Conclusion

25. I have found that the proposed development would not cause harm to road safety in the vicinity of the appeal site. However, Policy CS12 and the Framework are clear that new development should provide high quality homes that provide a good standard of amenity for future occupiers and I have found that the development would not provide acceptable living conditions for future occupants. This significantly and demonstrably outweighs any small scale benefits that would result from the development.
26. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR