
Appeal Decision

Site visit made on 11 October 2016

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 03 November 2016

Appeal Ref: APP/A1910/W/16/3153122

115 Cowper Road, Hemel Hempstead, Hertfordshire HP1 1PF

- 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 M Mills against the decision of Dacorum Borough Council.
 - The application Ref 4/00173/16/FUL, dated 25 January 2016, was refused by notice dated 19 May 2016.
 - The development proposed is erection of one 2-bedroom detached house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one 2-bedroom detached house at 115 Cowper Road, Hemel Hempstead, Hertfordshire HP1 1PF in accordance with the terms of the application, Ref 4/00173/16/FUL, dated 25 January 2016, subject to the conditions in the attached schedule.

Procedural Matter

2. It is evident that the scheme was revised from the two semi-detached houses for which the appellant originally sought permission and that the Council made its decision on the basis of the revised single dwelling scheme. I have therefore used the description employed by the Council in their decision notice, which is similar to that given by the appellant in section E. of the appeal form, in my decision and in the heading above.

Main Issue

3. The main issue raised by this appeal is the effect the proposed development would have on the character and appearance of the area.

Reasons

4. The appeal site is part of the garden of No 115, although the proposed dwelling would face Gravel Hill Terrace which runs at right angles to Cowper Road. The area is characterised by predominantly detached houses and bungalows of a variety of designs generally closely spaced but with spacious gardens, particularly to the rear. The Counters End Character Appraisal (CECA) summarises the layout as one of dwellings generally fronting roads in an informal layout although with a distinct pattern and with a very low density.
 5. The appeal proposal would be a very compact two storey dwelling and, although it would appear noticeably smaller than the majority of the buildings surrounding it, there would be limited public vantage points where this would
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be apparent. Its small size and degree of set back from both front and rear boundaries would mean that even within the limited plot it would not appear cramped within its surroundings. Although its size would set it apart from the majority of other larger houses in the area this would not be an incongruous effect as a result of the height, width and appearance of the front elevation which it would present to Gravel Hill Terrace.

6. The run of three similar detached houses situated immediately to the east of the site have a consistent building line in front of which the appeal building would be set. However buildings further to the east of this three house group have a more varied relationship to the road and those opposite around the entrance to Cardy Road are arranged at an angle to the roads they face. The appeal building's situation in relation to the road would be set behind that of the gable of No 115 and, although sitting forward of Nos 7, 9 and 11 Gravel Hill Terrace, within such a context it would not appear at odds with its setting.
7. The small size of the site would mean that considered by itself and with No 115 the resulting density would be high although this provides only a limited illustration of the proposal's effect on the character of the wider area. The addition of a single house to the seven dwelling block highlighted in the Council's statement would not significantly increase the density of the immediate area and there is no evidence to suggest that the resulting density in that block would not remain within the CECA's Development Principles' recommended range of 15 dwellings per hectare. Considered in its context of adjoining spacious gardens it would not result in a pattern of development which would harm the established character nor appear as one which is over intensive in its setting.
8. The small footprint of the proposal would mean that the surrounding garden would remain of a functional size although it would be considerably smaller than those surrounding it. Nevertheless these surrounding gardens would provide a spacious setting for the proposal to the rear.
9. Although the rear garden would be shorter than the 11.5m average Appendix 3 of the Dacorum Borough Local Plan, 2004 seeks, this acknowledges that a reduced depth may be acceptable for small starter homes amongst other circumstances. Whilst there is no indication that the appeal proposal would be marketed as a 'starter home' as such, its small size means that the physical circumstances would be analogous. Further, I note that these space standards are aimed at providing acceptable outdoor amenity space for occupiers rather than a response to an area's character. I also note that in this respect the Council considered it would provide adequate functional amenity space for the proposal's size.
10. Therefore, the overall effect of the proposal would not harm the established character and appearance of the area. As such the proposal would comply with the quality of neighbourhood and site design requirements of Dacorum's Local Planning Framework Core Strategy, 2013 Policies CS11 and CS12 and the CECA. For the same reasons the proposal would also avoid conflict with paragraphs 58 and 64 of the National Planning Policy Framework (the Framework), as supported by the Planning Practice Guidance, which anticipates the rejection of poor design and aims to ensure developments respond to local character, amongst other matters.

Other Matters

11. The situation of the proposed dwelling in relation to the side elevation of 11 Gravel Hill Terrace would affect the outlook from windows serving habitable rooms in the flank elevation of that property. It would also have a more limited effect on the light received through those windows. However, the existing boundary treatment will already have a limiting effect on ground floor windows in No 11's flank elevation. The orientation of those windows in relation to the forward position of the proposal would also limit any adverse effects and I note that the bedroom and living room they serve also have the benefit of other windows which would not be affected in the same manner. Therefore whilst there would be an effect on outlook and light there is little substantive evidence to indicate that either would be reduced to such an extent that would materially harm the living conditions of the occupiers of No11.
12. I note that the Council's Officer Report concluded that the proposal would not have a detrimental impact on the residential amenity of the occupiers of No 113 in respect of overlooking. There is little conclusive evidence to suggest that the Council was incorrect in this assessment provided that first floor rear windows in the proposed dwelling are appropriately specified to avoid such harmful effects.
13. An interested party has referred to a covenant limiting the number of dwellings in the vicinity. However, I see no reason why allowing this appeal would negate or supersede any legal covenant. Accordingly, this matter has not had any significant bearing on my assessment of the planning issues in this appeal.

Conditions

14. It is necessary to specify the approved plans as this provides certainty. To preserve the character and appearance of the area it is necessary to require the external materials to accord with those specified and that a landscaping scheme is implemented which provides for the protection of retained features. In order to protect pedestrian and highway safety as well as avoiding any run-off into the adjoining road, visibility splays, car parking spaces and their drainage arrangements must be provided with details approved as necessary.
15. In order to protect the living conditions of neighbours the first floor rear windows must be obscured and non-opening for that height where overlooking might otherwise be likely to occur. Exceptionally, given the modest size of the proposed house, its outdoor space and its relationship to neighbouring dwellings it is necessary to remove permitted development rights for extensions to the house, its roof and for curtilage buildings as well as any windows or rooflights in the side and rear elevations. This would be to avoid adverse effects on the living conditions of existing and future occupiers.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, the proposal would not materially harm the character and appearance of the area. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WREN NAJ 59d 2015 (Revision A), WREN NAJ 59e 2015 (Revision A) and WREN NAJ 59f 2015.
- 3) The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping incorporating the measures illustrated on drawing WREN NAJ 59f 2015 and taking the requirements of conditions 6 and 7 below into account. The scheme shall include indications of all existing trees and hedges on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Construction of the parking spaces shall not take place until full details of the on-site surface water drainage mechanisms for the parking spaces have been submitted to and approved in writing by the local planning authority. The parking spaces and pathways shall be constructed in accordance with the approved details and completed and available for use prior to the occupation of the dwelling hereby permitted.
- 6) The car parking spaces shall have minimum dimensions of 2.4m by 4.8m. The spaces shall be maintained as a permanent ancillary to the development and shall be used for no other purpose.
- 7) Pedestrian visibility splays of 2m by 2m shall be maintained, on both sides of the proposed hardstanding area, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway.
- 8) Notwithstanding the approved plans, the dwelling hereby permitted shall not be occupied until the windows at first floor level in the south, rear elevation have been fitted with obscured glazing and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 9) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or rooflights other than those expressly authorised by this permission shall be constructed on the rear and side elevations or roof slopes.

- 10) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within Schedule 2, Part 1, Classes A, B, and E of the Order shall be carried out.