The Planning Inspectorate

Appeal Decision

Site visit made on 5 December 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/A1910/W/16/3157297
The Chilterns, 11 Covert Close, Northchurch, Berkhamsted HP4 3SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mrs Aneta Swierk against Dacorum Borough Council.
- The application Ref 4/01629/16/OUT, is dated 13 June 2016.
- The development proposed is the demolition of the existing dwelling (11 Covert Close) and the development of a block containing 6 flats (4 x 2-bedroom, 2 x 3-bedroom) plus parking and communal amenity space.

Decision

1. The appeal is dismissed and planning permission for the demolition of the existing dwelling (11 Covert Close) and the development of a block containing 6 flats (4 x 2-bedroom, 2 x 3-bedroom) plus parking and communal amenity space is refused.

Preliminary Matters and Main Issues

2. The application was made in outline, with only landscaping as a reserved matter. I have dealt with the appeal in the same manner.

3. The appeal was made against the failure of the Local Planning Authority to give notice of their decision on the application within the statutory period. Subsequent to the making of the appeal the Council confirmed that they would have refused the application. I have treated the planning appeal statement as the decision the Local Planning Authority would have made, had they been empowered to do so.

4. The report states that the Council would have refused the application on two grounds; the effects of the proposal on the surrounding area and on highway safety. Based on all that I have seen and read I have no reason to disagree with this analysis of the key issues.

5. Subsequently I consider the main issues in this case to be: (a) the effect of the proposed development on the character and appearance of the area, and (b) the effect of the proposal on highway safety, with particular regard to the proposed number of parking spaces.

Reasons

Character and appearance

6. Northchurch lies on the north western edge of Berkhamsted and is a fairly linear settlement, based around the A4251 and various parallel roads running from south east to north west. Covert Road is one such road and is characterised mainly by large detached dwellings on its southern side and detached bungalows on its northern side. Covert Close climbs steeply to the south west from Covert Road and mainly consists of large detached chalet style bungalows set in a regular pattern.

7. No 11 Covert Close is set on the corner of the two roads and is different in design to this prevailing house type, being a large detached 2 storey dwelling with hipped roof. When viewed from the front, the façade has two prominent two storey protrusions at each end, with the left side housing an integral garage. The main form of the dwelling is set in from these two ends, with a hipped porch and bay filling in the gap at single storey level. From the south the property appears fairly wide on to Covert Road, but the size of the property is partially mitigated in the street scene by surrounding trees and a hedge around virtually the entire plot. A garden surrounds the house, with the majority of this amenity space located to the side and rear of the property.

8. The proposal seeks to demolish the existing house and construct a new detached building, which would be 2 ½ storeys with basement parking. The proposal would house 4 2 bed flats and 2 3 bed flats, the latter of which would effectively be duplex apartments with rooms in the roof. The property would take the form of a large town house with a 6 bay façade set around a central flat roofed classical porch. The building would have a hipped roof and would be marginally taller than the existing property. To the rear the building would have 5 bays and two sets of staircases down to the basement car parking. The side of the house visible to Covert Road would also have a flat roofed porch.

9. In plot terms the length of the house would be slightly longer than the existing property, but would maintain a similar front building line within the plot. The hedge that surrounds the site would also be maintained and extended. However, the width of the building would be substantially more than the existing structure. This side of the house would have a central door and porch but no windows and little detailing. This would be clearly visible from passers-by on Covert Road, where the bulk and depth of the proposal would be significant. The sheer depth of this elevation, particularly when coupled with its lack of relief in terms of fenestration and detailing would dominate the plot in such a prominent position in the street scene and detract from the reasonably well designed façade of the building.

10. The appellant notes that the width increase of the proposal over the existing house amounts to just 2.1m, an increase of some 14%. However, when taken in the context of the width of the existing property, the lack of relief on the proposed building, the width of the overall plot and its prominent corner positioning, this depth in combination with the slightly longer form of the overall building would have the visual effect of filling the plot, and its mass would appear overbearing and bulky.

11. The Council refer to various development plan policies in their appeal statement. Some of these refer to the principle of development and I am not

convinced that they are all relevant given that they also separately acknowledge that the principle of a two storey building with habitable roof accommodation and basement level parking is acceptable. However, I am of the view that the bulk and mass of the proposal would be contrary to policies CS11 and CS12 of the Core Strategy[1] which together seek to ensure that the quality of neighbourhood design is high and that development integrates with its streetscape character. The proposal would also be contrary to policies 18 and 21 of the Local Plan[2] which state that housing proposals will not be permitted if the density of the scheme would adversely affect the existing character of the surrounding area. Whilst the principle of the density of the scheme may not be inappropriate within the surrounding area, the density of the proposal has led to the size of development proposed.

12. The appellant notes that similar amendments to the existing dwelling could be permissible under permitted development rights. However, I have no evidence over whether such a scheme would be feasible or realistic, and this limits the weight I can provide to such a fall-back position.

13. I am referred to the presumption in favour of sustainable development embodied within the National Planning Policy Framework (the Framework). I note in this context that planning law requires that applications for planning permission must be determined in accordance with the development plans unless material considerations indicate otherwise. Furthermore, I consider that the proposal would cause harm to the character and appearance of the area and it is thus not the sustainable development for which there is a presumption in favour of. In reaching this conclusion I have borne in mind the guidance within the Framework that planning should always seek to secure high quality design, and that good design is a key aspect of sustainable development.

14. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the area. The proposal would be contrary to the Core Strategy, Local Plan and to the Framework.

Highway safety

15. The proposed flats would be served by 8 parking spaces underneath the building, with access gained via a new driveway off Covert Road. The Council and local residents raise concerns over the potential of the proposal generating on-street parking problems, and note that Covert Road becomes a private road in the vicinity of the site. Appendix 5 to the Local Plan provides maximum car parking standards for the Borough, for which the Council notes that the scheme should provide 10.5 car parking space, and is thus short of spaces by 2.5 spaces. The standards note that they provide the starting point for progressive reductions based in on-site provision.

16. The proposal would provide flats as opposed to houses, and would provide the 2 bed flats with one parking space each and the 3 bed flats 2 spaces each. This would seem adequate for the size of units proposed and the reasonably sustainable location of the area, with bus routes not far from the site and a local parade of shops within walking distance. I am not convinced that a shortfall of 2.5 spaces in significant in this context, when considering that the parking standards are stated to be maximum, and the residential nature of the

[1] Dacorum Borough Council Core Strategy, 25 September 2013
[2] Dacorum Borough Local Plan 1991-2011, 21 April 2004

surrounding streets. These streets have no parking restrictions upon them. At my visit, which admittedly took place in the middle of the day, there was plentiful on street parking available nearby to the south east on Covert Road, on Covert Close itself and on the opposite Ashby Road.

17. The Council have submitted photographs of the parking situation nearby. These show significant on street parking. However, it is not clear when these pictures were taken, and whilst they show a busy street scene, spaces are still visible amongst the parked vehicles. I have also not been provided of any existing issues of highway safety being compromised by on street parking in the nearby residential area, and I note that the County Highways Officer has raised no objections to the proposal, considering there to be sufficient provision on Covert Road for on street parking.

18. On the basis of the evidence provided therefore I consider that the proposal would not have an adverse effect on highway safety. Whilst the number of spaces provided is below the maximum level provided in the local plan, the number of spaces appears proportionate to the size of units proposed and the surrounding nature of the area and this appears sufficient to me to allow the reduction in this instance of on-site provision of parking. In this context the proposal would comply with policies CS8 and CS12 of the Core Strategy which together seek to ensure that development provides sufficient safe and convenient parking based on car parking standards.

Conclusion

19. Whilst I have found that the proposal would not harm highway safety, this does not outweigh my concerns over the effect of the proposal on the character and appearance of the area. Accordingly, for the reasons given above, and considering all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Jon Hockley

INSPECTOR