The Planning Inspectorate

Appeal Decision

Site visit made on 24 January 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 08 May 2017

Appeal Ref: APP/A1910/W/16/3161519
89 Sunnyhill Road, Hemel Hempstead HP1 1TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by E. J. Waterhouse and Sons against the decision of Dacorum Borough Council.
- The application Ref 4/02048/16/MOA, dated 1 July 2016, was refused by notice dated 8 November 2016.
- The development proposed is 12 semi-detached houses and reuse of approved access road.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with access and layout to be determined at this stage, and all other matters reserved for future consideration. There are streetscene elevations of the dwellings but these are for indicative purposes only.

3. Counterpart unilateral undertakings dated 10 October 2016 have been submitted which seek to secure affordable housing, bus stop improvements, skid resistant highway surface and fire hydrant provision within the site. These matters will be commented upon in my reasoning later in this decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site is within the Hammerfield urban area of Hemel Hempstead. The site comprises garden land behind properties at 71 to 87a Sunnyhill Road which is to be mainly developed for the proposed housing. It also includes a pan-handle shaped piece of land for the vehicular/pedestrian access from Sunnyhill Road to the proposed housing which would necessitate the demolition of 89 Sunnyhill Road. The main housing site forms part of Warners End Valley and has lines of hedgerows, scattering of trees and grassed areas within it. The access is routed through land of similar nature that has planning permission for housing as a result of an outline planning permission granted for

13 dwellings on appeal in 2013 and subsequent reserved matters approval given by the Council in February 2016.

6. Within the surrounding area, dwellings are generally closely sited to one another and varied in their form and design. Planning permission has been granted for the redevelopment of 85 Sunnyhill Road though the demolition of the existing dwelling and the erection of three terraced cottages. Nevertheless, dwellings are partially set back from roads and generally have long rear gardens. Properties on Sunnyhill Road backing down onto the site have noticeably long rear gardens whilst the allotments and recreational ground beyond the western boundary of the site are generally open with the absence of significant built development. Along this western boundary, there are hedgerows and trees. Nearby woodland exists to the north of the site and further garden land exists beyond the southern boundary of the site. As a result, there is an attractive spacious, open and verdant character and appearance to the area surrounding the appeal site despite the close siting of dwellings to one another.

7. The site falls within an urban area wherein, under Policies CS1 and CS4 of the Dacorum Core Strategy 2013, appropriate development is encouraged subject to complying with all other relevant policy criteria. Saved Local Plan policies 10 and 21 of the Dacorum Borough Council Local Plan 1991-2011 also sets out appropriate density for development of sites of 30-50 dwellings per hectare (dph) subject to compliance with the character of the area and development control considerations, such as layout, site coverage, design and landscaping. The Area based Policies: Hammerfield North Character Appraisal (HNCA) 2004 advises that housing density within the appraisal area relevant to the appeal site is within 25-35 dph and the appeal proposal has a density of approximately 32 dph.

8. However, the density guidelines within the HNCA relate to an area wider than the appeal site's context and assessing the scheme's impact on the character and appearance on the area purely on density would ignore other site specific factors. In this regard, the site has a spacious, verdant and open context and for this reason, acts as a transition between the denser urban area of the Hammerfield and the semi-rural area of Warners End Valley. To the front and side of the dwellings, there would be landscaped areas as illustrated by a photographic 3D image of the development. The Appellant's Arboricultural Report proposes landscaping to replace trees and vegetation which would be lost which would be considered fully in a landscaping reserved matter. However, there would still be extensive hard surfaced areas within the site for parking, turning and road access. For around half of the dwellings, parking would be in the form of separate and distant parking bays or garages. Some of the landscaped areas, especially around the side and front of dwellings on the eastern side of the access road would not be substantial because of the restricted space between the highway and the dwellings. As a result, future landscaping of a substantive structural nature to replace lost trees and vegetation would be limited.

9. Along the western boundary of the site, dwellings would have minimal space between the garages and limited gaps between dwellings at first floor level. Although HNCA policy HCA9 advises of gaps of between 2-5m between two storey elements of dwellings, the width of the semi-detached dwellings would result in large buildings which would dominate the first floor gaps and restrict

views from the street in front into the allotments and the wooded hillside beyond. Furthermore, the layout of the dwellings, including their close siting to one another, along the western boundary would give rise to an overly regimented and repetitive pattern of development. This would be out of keeping with the more varied siting and design of dwellings in the area. Even with a possible low pitched roof, the siting of a triple garage at the end of the access road would also result in a "closed-in" urban feel to the development because of its size and extent of car parking in front. For all these reasons, the proposal would result in a dominant urban development that would not relate to its context.

10. The principle of development on this site is not prevented by the guidance of the HNCA and indeed indicates development may be appropriate on the western side of Sunnyhill Road where the rear gardens to houses fronting the road are of sufficient length. Planning permission has been granted for housing on land to the north. However, policy HCA9 also advises that the area here has very limited opportunity for further development and states that development would still need to carefully consider topography, the relationship of existing housing and the effects on open land in the Warners End Valley. By reason of the layout of the proposed development, the proposal would result in an overdevelopment of the site and would fail to relate satisfactorily to these considerations.

11. The development would utilise an existing access road approved as part of the neighbouring development to the north which would also be behind Sunnyhill Road. The approved layout of this neighbouring development has some areas where there would be limited scope for substantial landscaping between the road and dwellings. In comparison, the appeal scheme would have less site coverage as an overall proportion and dwellings with an eastern aspect would have gardens of greater depth. However, views of much of the woodland along this neighbouring site's northern boundary would still be visible by reason of layout and as such it would retain some landscaped setting to the site. Furthermore, the impact of the appeal proposal on the character and appearance of the area would be far greater given its larger site size. In any case, every proposal has to be considered on its individual planning merits having regard to local and national planning policy.

12. An appeal was dismissed for 25 dwellings in 2016 on a site which included both the area of extant planning permission referred to above and that of the current appeal proposal. In comparison, the current appeal site would have two and half less units, less site coverage and floorspace across the corresponding part of this wider 2016 appeal site and would omit dwelling terraces. The dwellings would be sited further away from the western boundary and have larger gardens. Additionally there would be more parking provision with more provided adjacent to dwellings and greater scope for retention and enhancement of existing landscaping and trees. Whilst I note these changes, the current appeal proposal remains overly urban in design and dominant detrimental to its context for the reasons indicated.

13. In conclusion, the development would be harmful to the character and appearance of the area for the reasons indicated. Accordingly, the proposal would conflict with policies CS1, CS4, CS11 and CS12 of the Council's Core Strategy (CS) 2006-2031 (2013) and policies 10 and 21 of the LP, which collectively and amongst other matters, require development to respect the

character of the area, protect and enhance views into and out of towns, respond to defined countryside borders and landscape character of surrounding towns, integrate within the street scene and avoid areas dominated by car parking. For similar reasons, the proposal would conflict with the advice of the HNCA.

Other matters

14. An obligation secures contributions for affordable housing, local bus stop enhancements, skid-resistant road surfacing within the vicinity and fire hydrant provision. CS CS19 seeks the provision of affordable housing and the Council has sought provision on the basis of the appeal proposal and the neighbouring permitted site. The Appellant has submitted a financial viability assessment indicating substantial additional costs to the development of the site. As such, the obligation details a reduced contribution which the Council accepts. I have no reason to disagree with such approach given the identified site specific construction constraints. On this basis, I consider that the contribution is necessary and would meet the statutory tests under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). It is also a benefit of the proposal that would weigh in favour of the proposal.

15. Turning to the transport contributions, the Council has provided consultee support and detail on appropriate sums and where the schemes to which the contributions would be directed to. The skid-resistant road surfacing is a crucial transport aspect of the scheme for the highway authority which I concur with. Taking into account Council comments, the contribution would comply with the five obligation limit as detailed under Regulation 123(3) of the CIL regulations. Thus, the contributions would meet the CIL Regulation 122 test and therefore these parts of the obligation have been taken into account in my decision. The requirement for satisfactory fire hydrant provision on the site would be necessary to safeguard property and people and comply with the tests of paragraph 204 of the National Planning Policy Framework.

Conclusion

16. There would be harm to the character and appearance of the area contrary to policies CS1, CS4, CS11 and CS12 of the CS, and policies 10 and 21 of the LP. There would be a benefit from a contribution to affordable housing provision in compliance with CS policy CS19. However, this benefit would be small by reason of its reduced level due to the site specific factors of developing the site. The harm to the character and appearance of the area would be great by reason of its specific context.

17. For this reason, looking at the proposal in the round, the proposal would be contrary to the development plan. It would not be sustainable and there are no other identified material considerations to outweigh the development plan conflict identified. In respect of affordable housing provision, the benefit would be small for the reason indicated. The obligation also secures the provision for local bus stop works, skid-resistant road surfacing and fire hydrant facilities but such measures are provided to make the development acceptable and as such any wider benefits would be limited and would not outweigh the conflict identified.

18. Representations have been received from third parties in respect of the safety of pedestrians and drivers due to the topography of the area, and parking

provision. However, as I am turning down the appeal on other grounds, it is not necessary for me to reach a conclusion on these matters.

19. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR