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## Appeal Decision

Site visit made on 28 March, 2017

**by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

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

**Decision date: 26<sup>th</sup> May, 2017**

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**Appeal Ref: APP/A1910/W/16/3163581**

**9 Station Road, Tring, Hertfordshire, HP23 5NG**

- 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 and Mrs Smith against the decision of Dacorum Borough Council.
  - The application Ref: 4/00386/16/FUL dated 5 February, 2016 was refused by notice dated 19 May, 2016.
  - The development proposed is construction of new house to rear of 9 Station Road, Tring, Herts, creation of new crossover and access/egress to site, revised parking and landscaping works, demolition of existing garage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

### Main Issues

3. The main issues in this case are the effect on the character and appearance of the area, and the effect on the living conditions of occupiers of neighbouring dwellings in respect of noise and disturbance.

### Reasons

#### *Character and appearance*

4. No 9 Station Road is a relatively modest, two-storey detached house set behind a generous front garden and with a large garden to the rear. It sits in a run of similar houses along the northern side of Station Road, facing playing fields to the south of the road, and in an area of generally open and green suburban character created by generous gardens and the presence of mature vegetation and grassed verges.
  5. The appeal proposal is for the insertion of a two storey house into the rear garden, with parking to the front and vehicular access created by demolition of
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the existing double garage flanking the house and extension of the existing driveway.

6. The appeal dwelling would introduce a new built element within the rear garden which would occupy nearly the full width of the plot and with a footprint nearly equivalent to the host dwelling. Although there is some articulation to the front elevation, it is limited, and does not therefore effectively break up the bulk of the building. This is exacerbated by the steeply pitched roof form, containing a large area of crown roof, a feature not seen in the traditional housing in the vicinity. The proposed dwelling would therefore appear as a large and intrusive insertion into this otherwise open and green setting, and would be at odds with its existing character and appearance.
7. The proposal would also entail the subdivision of the garden space, leaving rear gardens to both houses which would be conspicuously shorter than those of other houses in the vicinity along Station Road. It would therefore create a cramped and urbanised appearance, particularly to the proposed dwelling, which would be exacerbated by the large area of hard landscaping introduced for parking. Consequently this too would harm the otherwise open and green character and appearance of the area.
8. The appellant has drawn my attention to the site to the rear of Nos 14 and 15 Station Road to the east where permission was granted on appeal for a group of new houses in the rear gardens<sup>1</sup>. However, these are older and substantially larger buildings which previously had extremely generous rear gardens, and are also adjacent to sites of established backland development. Notwithstanding their proximity, the character of this part of the area is therefore different from that in the vicinity of the appeal site, which is acknowledged by the Inspector in paragraph 7 of the decision. I do not therefore agree that means that the principle of backland development is established in the area as a whole.
9. As I conclude that the proposal would harm the character and appearance of the area, it would therefore conflict with Policy CS1 of the Council's Local Planning Framework Core Strategy 2013 (the CS), which seeks development which causes no damage to the existing character of its surrounding area, and Policies CS10, CS11 and CS12 of the CS, which seek new development which respects the character of its context at settlement, neighbourhood and site levels respectively, and Policy CS4 of the CS, which seeks appropriate residential development in residential areas. The proposal would also conflict with the provisions of Policies 10, 18, 21 and 11 of the Dacorum Borough Local Plan 1991 – 2011, 2004 (the LP) in respect of seeking development which is compatible with the character of the area.
10. Policy 13 of the LP is also mentioned by the Council in its reasons for refusal, but this refers to the use of planning conditions and planning obligations. Neither party has drawn my attention to this issue in relation to the appeal, nor does it not appear to me to be relevant. Appendix 7 of the LP refers to small domestic extensions, and does not appear to be relevant to this case.
11. There is some disagreement between the parties concerning the interpretation of the Council's Supplementary Planning Guidance on Development in Residential Areas 2004 (the SPG) in relation to the Station Road Character Area

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<sup>1</sup> Ref: APP/A1910/A/14/2221190

(TCA:16). While allowing for some infilling, the development principles for this area are clear that the existing layout must be retained, although it does not refer explicitly to tandem development in this context. However, as the appeal proposal would introduce development into the rear garden of the existing house and would thereby cause a significant change to the existing layout, it would fail to comply with the SPG.

#### *Noise and disturbance*

12. The access driveway to be created to the new dwelling passes between the flank elevations of Nos 8 and 9 Station Road, and although the appellant suggests that it would be sufficiently wide to give access to a fire tender, it is nonetheless a relatively narrow gap of a very few metres.
13. Although there are no windows to habitable rooms facing onto the proposed access drive, vehicles would nonetheless pass very close to the adjoining ground floor rooms of the flanking properties, including a glazed garden room/conservatory to the rear of No 8, and would then run between the garden boundaries of the two properties. While the traffic movements associated with a single new dwelling might be small in number, vehicles would also need to turn within the site. These movements and manoeuvres in an area that had formerly consisted of garden, and close to ground floor rooms and adjoining gardens, would be noticeable and intrusive. They would therefore be likely to affect day to day enjoyment of these areas
14. I conclude therefore that the appeal development would have a harmful effect on the living conditions of the occupiers of the host property and neighbouring property in terms of noise and disturbance, and that it would as a result conflict with Policy 12 of the CS which seeks development which avoids disturbance to the surrounding properties and with Appendix 3 of the LP, which seeks development which is designed to minimise potential noise nuisance to dwellings from within the site.

#### **Conclusion**

15. For the reasons given above, therefore, and taking into account matters raised, I conclude that the appeal should be dismissed.

*S J Buckingham*

INSPECTOR