
Appeal Decision

Site visit made on 5 June 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/A1910/W/17/3168224

2 Bracknell Place, Hemel Hempstead, HP2 6BT

- 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 Weir-Rhodes and Mr Watts against the decision of Dacorum Borough Council.
 - The application Ref 4/02875/16/FUL, dated 21 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is a 2-storey front and side extension and conversion of extended property to form 4 self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for a 2-storey front and side extension and conversion of extended property to form 4 self-contained flats at 2 Bracknell Place, Hemel Hempstead, HP2 6BT, in accordance with the terms of the application, Ref 4/02875/16/FUL, dated 21 October 2016, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:-

- whether the proposal makes adequate provision for off-road parking
- living conditions for future occupiers, with specific regard to amenity space
- the effect on the character and appearance of the area

Reasons

Whether the proposal makes adequate provision for off-road parking

3. The proposal would provide 3 car-parking spaces on-site together with 1 additional parking space within a garage which lies in close proximity to the appeal site (a total of four). The Appellants refer to an additional parking space in front of the garage. I have given this little weight in my consideration as this falls outside the application site and it is not known whether use of this area could be relied on.
4. It is possible that occupiers may choose to park on the highway rather than using the garage. However, given the close proximity of the garage to the host building and its publicly visible position, I am satisfied that occupiers would be likely to use this facility. In this regard, the local highway authority has not raised any objections to the type, location or level of parking proposed.

5. Policies 19 and 58 of the Local Plan¹ state that the level of parking provision should be determined in accordance with the maximum standards set out in Appendix 5 (which indicate a maximum of 5 spaces to be provided) and that parking provision may be reduced on the basis of close proximity to facilities, services and public transport. In view of the proposal being able to provide 4 off-road parking spaces and it being within short walking distance of the local facilities and services at Henry Wells Square, I am satisfied that the level of parking proposed is sufficient and appropriate to its context. The proposal would therefore comply with Policies 19 and 58 of the Local Plan and Policies CS8 and CS12 of the Core Strategy² which seek to ensure a sufficient amount of parking.

Living conditions for future occupiers, with specific regard to amenity space

6. The proposal would not provide any dedicated private amenity space. It would be capable of being occupied by families with children as it contains two 2-bedroom flats. It would not therefore comply with Policy 19 or Appendix 3 of the Local Plan which seek to ensure an acceptable amount of private amenity space for dwellings.
7. Appendix 3 states that a reduced rear garden may be acceptable for starter homes and development in close proximity to open land, public open space or other amenity land. Although the appeal scheme would provide no amenity space at all, it is relevant to note that it would be within short walking distance of Margaret Lloyd Park and Grovehill/Woodhill Farm where there are dedicated children's playing facilities and other general amenity space which could cater for both adults and children. As this would be in close proximity to the accommodation, it would partly compensate for the lack of on-site provision. I have therefore given this factor a modest amount of weight in my assessment. I note the Appellant's reference to the presence of informal greenspace adjacent to the site. I have given this only limited weight as I would not consider this appropriate for young children given the lack of secure fencing separating this area from the vehicular highway.
8. Overall, I attach moderate weight to the proximity of public open space which would provide partial mitigation for the lack of on-site provision. Nevertheless, I conclude that the proposal would not accord with Policy 19 or Appendix 3 of the Local Plan.

The effect on the character and appearance of the area

9. The proposal would result in a much higher density of development than the surrounding area, as identified in Grovehill character appraisal (HCA32)³. As a result, the remaining part of the curtilage not being built upon would primarily be dedicated to off-road parking and a bin storage area, with no private amenity space.
10. However, the visual impact of the parking area would be mitigated by the presence of an area of greenspace on the corner of Bracknell Place and Crawley Drive. I do not therefore consider that the amount of car-parking proposed would dominate the wider streetscene and be harmful to the character of the area.

¹ Dacorum Borough Local Plan 1991-2011, Adopted 21 April 2004

² Dacorum Core Strategy, Adopted 25 September 2013

³ Area Based Policies, Supplementary Planning Guidance, May 2004

11. I note that the extended building would be quite prominent and that the density would be high in numerical terms. Nevertheless, I consider that the proposed design would be appropriate in its context and would not be harmful to the streetscene. I therefore conclude that the proposal would comply with Policies CS11 and CS12 of the Core Strategy which seek to ensure development is designed to respect the local character of an area. It would also accord with the NPPF which promotes good design.

Other matters

12. Nearby residents have raised concerns in respect of highway safety. However, I note that the local highway authority has not raised any technical objections in terms of highway safety and I see no reason to take a different view.
13. Neighbour concerns have also been raised in respect of loss of property value and potential structural damage. However, Planning Practice Guidance states that planning is concerned with land-use in the public interest and not the protection of purely private interests. There is no evidence that the proposal would incur structural damage to neighbouring properties and in any event, this would be a private civil matter.
14. I sympathise with the health concerns raised by a neighbour in respect of construction works and increased comings & goings to the appeal site. However, impacts during construction would be of limited duration and would be controlled under other legislation. There is no reason to think that use of the completed scheme would give rise to harmful noise or disturbance.

Planning balance

15. The proposal would deliver additional small units of residential accommodation in a sustainable location to help meet the growing number of one and two person households, as referred to in Policy 18 and Paragraph 18.2 of the Local Plan. It would also accord with the development plan policies relating to design and car-parking. I have given these factors significant weight in my assessment. On the other hand it would not comply with Policy 19 and Appendix 3 of the Local Plan in relation to amenity space. This conflict would be mitigated in part by the proximity of public open space. Moreover, it would be outweighed by the benefits of new housing in a sustainable location.
16. Overall, I find that the proposal would accord with the development plan as a whole.

Conditions

17. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. I have made some small amendments to clarify certain details and enable the development to commence without the need to approve conditions first. A condition requiring development to be in accordance with the plans is needed to reflect Planning Practice Guidance. Conditions relating to surfacing materials, boundary treatments and refuse storage are needed in the interests of the character and appearance of the area. A condition requiring obscure glazing is needed to protect the privacy of neighbouring residents.

Conclusion

18. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:- 0632/01 Rev A; 0632/02 Rev A; 0632/03 Rev D; 0632/04 Rev B; 0632/05 Rev B.
- 3) Notwithstanding condition 2, no apartment shall be occupied until the footpaths and driveways shown on drawing no. 0632/03 D have been surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 4) Notwithstanding condition 2, no apartment shall be occupied until details of the position, design and materials of the boundary treatment have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of any apartment.
- 5) Notwithstanding condition 2, no apartment shall be occupied until details of facilities for the storage of refuse have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of any apartment.
- 6) Apartments 2 and 3 as shown on drawing no. 0632/03D shall not be occupied until the north-facing windows at ground and first floor level connected to both kitchens and a shower room have been fitted with obscure glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscure glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscure glazing shall be permanently retained thereafter.