
Appeal Decision

Site visit made on 24 July 2017

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

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

Decision date: 24 August 2017

Appeal Ref: APP/A1910/W/17/3173127

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 refusal to grant outline planning permission.
 - The appeal is made by Mrs Aneta Omonua against the decision of Dacorum Borough Council.
 - The application Ref 4/00101/17/OUT, dated 14 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is demolition of the existing dwelling and development of a block containing 2 maisonettes and 2 flats plus parking and amenity space (private and communal).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal seeks outline planning permission, with approval sought for all matters other than landscaping. I have therefore based my consideration of the proposal on the submitted plans, with the exception of any landscaping details. The design and access statement says that the application site has the potential to provide a satisfactory scheme of landscaping and that this can be dealt with by condition (as a reserved matter). I have therefore assessed the proposal with this in mind.
3. The appellant has confirmed on the application form that they do not own all of the land necessary for the development and has served notice upon Hertfordshire County Council as local highway authority. Some neighbours have concerns regarding this and allege that the area of land not under the appellant's ownership is a private unadopted road not owned by Hertfordshire County Council, which the latter has subsequently confirmed as correct. However, given that I am dismissing the appeal for other reasons based on planning merits, the land ownership issue is not determinative to the appeal outcome and as such I do not need to consider it any further.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area
 - living conditions, with specific regard to future occupiers and the occupiers of No 10 Covert Close and No 53 Covert Road.

Reasons

Introduction

5. Covert Road is mainly characterised by large detached 2-storey dwellings on its south-western side and detached bungalows on its north-eastern 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.
6. The appeal site property is set on the corner of these two roads and is different in design to the prevailing house type, being a large detached 2-storey dwelling with dark brown windows and a hipped roof. The dwelling fronts onto Covert Close and has an irregular footprint, with a pair of 2-storey projections to the front elevation and two single storey projections to the rear. Although the property appears relatively wide when viewed from the south-east on Covert Road, its prominence is softened by surrounding trees and a mature hedge which defines the appeal site boundary with Covert Road and Covert Close. This landscaping makes a strong contribution to the character of the area and is a consistent feature of the road, with the corner plot opposite the appeal site (No 1 Covert Close) also having a mature hedge to its boundary with Covert Road.
7. The proposal seeks to demolish the house and construct a new residential building, which would be of a similar width, depth and height above the existing ground level (when viewed from Covert Close). The development would contain two 2-bedroom flats and two 3-bedroom maisonettes, set over 4-stories. The two 3-bedroom maisonettes would occupy the basement and ground floor of the building and each would have a private amenity area to the rear. The two 2-bedroom flats would occupy the top two floors and share the remaining communal amenity space surrounding the building with the two maisonettes.

The effect of the development on the character and appearance of the area

8. Although the width, depth and front building line of the new development would be similar to the ground floor of the existing dwelling, it would have a much larger scale and mass as the existing building has a much narrower depth at first floor level (its projections to the rear being single storey only). The impact of this increase in scale and mass would be intensified by a significant reduction in ground levels to the rear of the building to accommodate the new basement, which would result in the creation of a 3 storey rear elevation (with an additional storey in the roof space). Although a crown roof has been proposed to minimise the visual impact of the scheme, this would not be in keeping with the prevailing roofscape of the surrounding area, which is characterised by fully hipped and gable roofs above first floor level.
9. The scheme also proposes 6 off-road car-parking spaces cut into the north-eastern side of the appeal site, to be accessed via Covert Road. This would result in a substantial reduction in ground levels, the loss of a significant part of the existing mature boundary hedge and the construction of new retaining walls. I acknowledge that the building would have a 2-storey appearance when viewed from the south-west on Covert Close and that the basement level to the rear of the building would not be visible to pedestrian passers-by because of screening from new boundary treatment (which could be dealt with by

condition). However, the cumulative impact of the above works and the increased mass of the north-east facing side elevation would result in the building appearing very tall and wide from Covert Road and out of proportion with the overall size of the plot. Because of the size and position of the proposed parking area, there would not be adequate space to provide substantial new landscaping to mitigate this visual impact.

10. Representations have been made about the potential visual impact that bins would have if stored in publicly visible areas. Although the appellant has proposed a number of bin stores for the flats and maisonettes, I have concerns over the functionality of these given their constrained position in front of parking spaces and set down a flight of steps in a private amenity area. This adds to my overall concerns about the layout, scale and design of the scheme and its impact upon the character and appearance of the area.
11. The presence of three main entrance doors to the Covert Close frontage would reveal that the building is comprised of higher density flats/maisonettes, in contrast to the prevailing low-density detached and semi-detached dwellings which characterise the area, as described in the Northchurch Character Appraisal¹. Whilst I do not consider the principle of flats or a higher density in itself to be inappropriate, this has led to the layout, scale and design of development proposed.
12. The cumulative impact of the above factors would cause the building to appear stark and overbearing, and dominate what is a highly prominent corner plot in the streetscene. The development would as a consequence be extremely harmful to the character and appearance of the area and be contrary to Policies CS1, CS4, CS11 and CS12 of the Core Strategy² and Policies 18 and 21 of the Local Plan³ which seek to ensure a high quality design and appropriate residential development that integrates with streetscape character.
13. The development would also not accord with the Northchurch Character Appraisal, which seeks to preserve the character of the area through the provision of front area layouts common to nearby plots and development not exceeding 2-stories in height. Furthermore, there would be conflict with Paragraph 58 of the National Planning Policy Framework (the 'Framework') which states that development should add to the overall quality of an area and respond to local character.

Living conditions

14. The proposed private rear gardens for the maisonettes would not comply with Appendix 3, Para. A3.6(ii) of the Local Plan in that they are less than 11.5 metres deep and fail to provide a garden of equal depth to an adjoining property. In addition, given the extent of cutting into the site that would be necessary to accommodate the basement, I am of the view that the height of the retaining boundary walls with fences above would give them an oppressive character. I acknowledge that there would be additional communal space shared between the 2 maisonettes and 2 flats, but this is located in an exposed part of the site that would not be secure or benefit from any privacy. Given that both maisonettes would have 3 bedrooms (and might therefore

¹ BCA19: Northchurch Character Appraisal, Area Based Policies, Supplementary Planning Guidance, May 2004

² Dacorum Borough Council Core Strategy, adopted 25 September 2013

³ Dacorum Borough Local Plan 1991-2011, adopted 21 April 2004

accommodate families with children), I would not consider the overall amenity space provision for these units to be acceptable in terms of quality or size and as a consequence, the scheme would be harmful to the living conditions of the future occupiers of these units.

15. I also consider the communal amenity area for the two 2-bedroom flats to be unacceptable due to its position between the building and public highway and the corresponding lack of privacy and security that would result. Although it would be possible to provide secure fencing to enclose part or all of this area, this would result in the creation of additional harm to the visual appearance of the area. The constrained nature of the site would also bring the proposal into conflict with Appendix 3, Para. A3.6(ii) of the Local Plan in that the flats would not have access to a private amenity area to the rear of at least equal size to the building footprint (because of this area being the private amenity space for the maisonettes). Although I would not have dismissed the proposal solely on the basis of this conflict, for the reasons stated above I do not consider the overall quality of the communal space to be acceptable and as a consequence, the scheme would be harmful to the living conditions of the future occupiers of these units.
16. Although No 10 Covert Close is set at a higher land level than the appeal site, by reason of the proposal's scale, mass and close proximity, I am of the view that it would be visually intrusive to its occupants when looking out of their north-east facing front elevation windows. I do not agree with the appellant that the impact would be neutral when compared with the existing building as this is set in at first floor level to the rear and hence has less of a visual impact on No 10. The development would have less of a visual impact on No 53 Covert Road, but it would still be in close proximity to it and forward of its front elevation. In the absence of evidence demonstrating that the existing landscaping dividing the appeal site from No 53 would be protected and retained, the increased mass of the development would also be visually intrusive to its occupants.
17. I therefore conclude that the proposal would be harmful to the living conditions of future occupiers of the development and existing occupiers of No 10 Covert Close and No 53 Covert Road. The scheme would therefore be contrary to Policy CS12 of the Core Strategy and Appendix 3, Para. A3.6(ii) of the Local Plan which seek to ensure good standards of amenity for existing and future occupiers.

Other matters

18. The appellant states that they have addressed the concerns of the Inspector raised in the previous appeal, and that there are similar parking areas on Covert Road which help to justify the development. However the current scheme is materially different from the previous proposal in terms of development description, size, scale, parking layout and amenity space, and the other parking areas are not directly comparable in terms of their size and position within the streetscene. In any event, I must consider the appeal scheme on its own merits.
19. The appellant states that the principle of the proposal has not previously been objected to by the Council and that it represents a form of sustainable development that accords with the Framework. However, I have concluded that the proposal does not accord with the development plan and that the relevant

policies referred to are not out of date or inconsistent with the Framework. In view of this, the presumption in favour of sustainable development as outlined in Paragraph 14 of the Framework is not engaged in this instance.

20. Representations have been made in respect of lack of off-road parking, damage to unadopted roads and highway safety. However, I note that the local highway authority has not raised any technical objections in terms of these matters and having reviewed the matter at my site inspection, I see no reason to take a different view. Further representations have been raised in respect of loss of privacy to the occupants of No 53 Covert Road, but given that the proposal will primarily impact upon its front garden which is already exposed to public view, I am satisfied that it will not cause any undue harm. Concerns have also been raised about loss of light to No 10 Covert Close. However, given the orientation of the sun and this building's position to the south-west of the appeal site, I am satisfied that the proposal would not result in a significant loss of light to this dwelling.

Conclusion

21. I have found that the development would cause harm to the character and appearance of the area and the living conditions of future occupiers of the scheme and the occupiers of No 10 Covert Close and No 53 Covert Road. All representations have been taken into account, but no matters, including the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the scheme would not be a sustainable form of development and accordingly, the appeal should be dismissed.

Robert Fallon

INSPECTOR