
Appeal Decision

Site visit made on 9 July 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2019

Appeal Ref: APP/A1910/D/19/3229434

28 Boxwell Road, Berkhamsted, Hertfordshire HP4 3ET

- 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 Harry Cowan against the decision of Dacorum Borough Council.
 - The application Ref 04/02614/18/FHA, dated 19 September 2018, was refused by notice dated 28 February 2019.
 - The development is the creation of a single parking slot by moving a wall built of common brick by 1.1 metres to create a parking slot of 2.1 metres in width by utilising a "blind" pathway reaching from the pavement to the front of the house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. 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 in the heading above albeit omitting reference to elements which are not acts of development.
3. The development has already been undertaken and therefore I am considering this appeal retrospectively.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Berkhamsted Conservation Area.

Reasons

5. The surrounding area is mostly residential in character, albeit with a surgery and town centre uses in close proximity. The dwelling is at the end of a terrace of dwellings, with a consistent building line and setback from the highway that is continued further along Boxwell Road. The site is within the Berkhamsted Conservation Area which covers an extensive area and derives significance from the historic townscape of the High Street and the streets and spaces which surround it, including the traditional terraces of houses such as those on Boxwell Road. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the area.

6. Most terraced dwellings within Boxwell Road feature brick walls and metal railings to the frontage along with a mixture of tiled footpaths and hard and soft landscaping. The arrangement of the dwellings and their front gardens and boundary treatments make an important contribution to the character and appearance of the Conservation Area. This contribution is not diminished by virtue of the fact that the buildings are not listed. The council's Conservation Area Character Appraisal & Management Proposals document identifies that the loss of front gardens and walls to parking and the greater visibility of hard landscaping has detracted from the conservation area. An Article 4(2) direction is in effect which the council has stated is recognition of the uniformity and quality of the streetscape and the aim to prevent harmful alteration. However, a few properties, including the neighbouring property and two recently built dwellings on the opposite side of the road, feature parking spaces within the front gardens. Intensive on-street parking is part of the character of the area.
7. The frontage of the appeal site previously featured a gate at each end, separated by a brick wall with piers. The wall returned to the dwelling and a timber fence existed to one side boundary. The frontage has been altered to feature a parking space formed of block paving and low brick walls. A traditional tiled path, a reduced garden area and a raised planter adjacent to the bay window of the dwelling also exist.
8. The development has resulted in the reduction of the width of the brick wall at the frontage of the site and the parking space is the visually dominant feature of the front garden. The openness of the frontage and the positioning of the dwelling at the end of the terrace results in the car parking space being a prominent feature of the site and the locality. The presence of the former footpath opening and timber fence is noted, but the submissions indicate that they appear to have been more discreet than the opening that now exists.
9. The resultant situation incorporates walls to the boundary, good quality materials have been used and the tiled path has been retained which demonstrates that regard has been had to the character and appearance of the site and the established character of the terrace frontage. However, these elements of the resultant situation do not mitigate the harm that has been caused by the loss of the enclosed garden area.
10. Frontage parking has been provided at other sites within Boxwell Road. It appears that the more recent examples have been parts of the redevelopment of sites which the Conservation Area Appraisal indicates had a materially different character and therefore did not make a comparable contribution to the Conservation Area prior to those developments occurring. This appears to have been repeated through the granting of planning permission at the neighbouring property of 29 Boxwell Road which is currently not comparable to the appeal site as the site already features a driveway and a dwelling of materially different appearance and therefore makes a lesser contribution to the Conservation Area. The replacement dwelling, with a driveway and integral garage, would remain of materially different character to the appeal site and therefore does not provide a basis for supporting this development.
11. Most of the existing parking spaces that have been formed in front of the terraces to the west of Boxwell Road benefit from taller boundary treatments and landscaping that make the parking spaces more discreet. Furthermore,

the wide parking frontage at 27 Boxwell Road is the type of alteration that is discouraged by the Character Appraisal and therefore this should not be held as an example that weighs in favour of the development.

12. The development at 2 Kitsbury Road that has commenced is of an entirely different nature to the development that has occurred at the appeal site and is within a street of different character and as such I do not afford this significant weight.
13. Accordingly, the proposal would cause less than substantial harm to the significance of the Berkhamsted Conservation Area as a designated heritage asset, which I afford considerable weight. As the parking provision would only benefit the appellant and has a neutral effect in terms of parking provision, there are not public benefits of sufficient weight to outweigh the harm identified. The development is therefore in conflict with policies CS12 and CS27 of the Dacorum Borough Adopted Core Strategy 2013 and saved policy 120 of the Dacorum Borough Local Plan which combine to require that development integrates with the character of the streetscape and preserves and enhances the character and appearance of the Conservation Area. Furthermore, the development does not accord with the Framework which requires that developments causing less than substantial harm to a heritage asset are resisted unless substantial public benefits outweigh that harm.

Other Matters

14. It has been highlighted that no objection has been raised to the development by the council on any other grounds, that the development has not been objected to by Berkhamsted Town Council, that the Berkhamsted Conservation Area Townscape Group are satisfied that the works have been undertaken to a high standard and that the Highway Authority is satisfied with the works that have been undertaken. However, this does not overcome the harm that has been identified.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR