



Appeal Decision

Site visit made on 2 July 2019

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 06 August 2019

Appeal Ref: APP/A1910/C/18/3202955

14, The Coppins, Markyate AL3 8RP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is by Mr M Pugh against an enforcement notice issued by Dacorum Borough Council.
 - The enforcement notice, ref. E/18/00151, was issued on 28 April 2018.
 - The breach of planning control alleged in the notice is the construction of a raised parking platform, shown hatched black on the plan attached to the notice.
 - The requirements of the notice are to:
 1. Demolish the raised parking platform shown hatched black on the plan attached to the notice and remove all materials arising from the demolition from the land.
 2. Restore the land to its condition and levels before the breach of planning control took place.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background matters

2. The appeal site lies on the northern side of The Coppins, a short cul-de-sac developed mainly with demi-detached dormer bungalows. There is a sharp fall across the street from south to north, so that the dwellings on the northern side are set well below street level, and there are quite steeply sloping short drives down towards built-in garages.
3. To the front of the appeal property a platform has been built that provides an area of hardstanding more or less level with the street, to the right-hand side of the garage and drive¹. The platform is brick paved and within brick retaining walls.

¹ When looking towards the property from the street.

4. I understand that an application for a lawful development certificate for retention of the platform was refused in September 2017², and that an application for planning permission for the development was refused in April 2018³.

The appeal on ground (a) and the deemed planning application

5. This ground is that planning permission should be granted for the matters stated in the notice.
6. From my inspection of the appeal site and the surroundings, and from all that I have read I consider the main issues to be:
- The effect of the development on the street scene in the vicinity of the appeal site
 - The effect of the development on residential amenity of occupants of nearby dwellings in terms of outlook, privacy and daylighting.
7. The platform to the front of no. 14 provides a more or less horizontal base at street level for parking two vehicles. It extends for much of the width of the property between the garage access drive and the common boundary with no.12 the adjoining dwelling. The height of the platform is roughly at or slightly above the cill level of the principal front window of the appeal property, and that of no.12.
8. I saw that the prevailing character of the area is of well-kept dwellings and front gardens with areas of lawn, shrubs and hedges. The hard-surfaced garage driveways are relatively subordinate elements. In contrast, the raised platform to the front of no. 14 is of somewhat harsh appearance, extends hard surfacing across most of the site frontage, is of considerable bulk, and is a dominating element to the front of this modest bungalow. I consider it is an intrusive feature that is out of place in this attractive neighbourhood.
9. I conclude on the first main issue that the raised platform causes significant harm to the character and appearance of the street scene in the vicinity of the appeal site. The development does not accord with the development plan, notably with respect to Policies CS11 and CS12 of the Council's adopted Core Strategy of 2013 (the Core Strategy), which include aims to preserve attractive streetscapes, to avoid large areas dominated by car parking, and to ensure development integrates with the streetscape character of the area.
10. Turning to the second main issue, the height of the platform is such that vehicles parked there would be more or less at eye level for occupants in the front rooms of the appeal property and of the adjacent no. 12, albeit obliquely in the latter case, and would seriously intrude into the outlook. Furthermore, drivers and/or passengers of vehicles parked on the platform would be able to look down into those rooms. While this may not be a problem for occupants of the appellant's house, it must be intrusive for neighbours. Any large vehicles parked on the platform would also overshadow the front windows and may well cause loss of sunlight, particularly in winter months.
11. I conclude on the second main issue that the development causes significant harm to residential amenity for occupants of nearby dwellings in terms of

² Decision notice ref. 4/1527/17/LDE, dated 4 September 2017.

³ Decision notice ref. 4/03223/17/FHA, dated 5 April 2018.

outlook, privacy, and daylighting. The development does not accord with the development plan, in particular with respect to Policy CS12 of the Core Strategy which includes aims to avoid visual intrusion, loss of sunlight and daylight, and loss of privacy.

12. The appellant argues that the platform is needed to provide ease of access for a disabled relative. However, it is not at all clear how this would operate, since access to the front door would still require use of a ramp or steps from street level, and it is not necessary to construct such a platform to achieve this.
13. I saw that there is on-street parking along The Coppins, but there is nothing to suggest this is a substantial problem. The additional two parking spaces provided by the platform may help to reduce on-street parking, but this does not outweigh the harm caused to the street scene and residential amenity.

The appeal on ground (f)

14. This ground is that the requirements of the enforcement notice are excessive, and that lesser steps would overcome the Council's objections. The appellant suggests there could be a reduction in the height of the retaining walls. However, no details have been provided, and there is no indication of the degree of proposed reduction. In these circumstances it is not possible to judge the effect of the proposal, and whether it would or would not overcome the Council's objections. The appeal on ground (f) must therefore fail.

The appeal on ground (g)

15. This ground is that the compliance period is too short. The appellant suggests there should be a period of 6 months to allow an orderly removal of the platform, and avoidance of autumn, winter and spring months with attendant problems such as mud and debris on the road. However, I concur with the Council's view that such problems are transient and readily remedied. Extension of the period would have the effect of allowing the harm to continue, and I consider 3 months to be adequate. The appeal on ground (g) therefore fails.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Stephen Brown

INSPECTOR