
Appeal Decision

Site visit made on 6 August 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/A1910/W/19/3230468

45 Park Road, Tring HP23 6BP

- 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 Sam Omonua (Land to Homes Ltd) against the decision of Dacorum Borough Council.
 - The application Ref 4/00417/19/FUL, dated 20 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is the erection of a 3-bedroom townhouse plus parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposals were amended during the application process. The council made its decision on drawings including drawing ref: Site Plan; PR/001 dated 11 April 2019, and I have determined the appeal on the same basis.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the Tring Conservation Area
 - living conditions of the occupiers of No 119 Western Road.

Reasons

Character and appearance of the Tring Conservation Area

4. The appeal site is within the Tring Conservation Area (CA) which covers the historic townscape and street pattern of the southern area of the town. The CA derives much of its significance from this arrangement with open areas making an important contribution to its character and appearance through the spaces they create between built up areas.
5. I saw on my site visit that Park Road, with mature planting and development predominately restricted to its northern side, provides a transition to the open countryside to the south and west from the more densely developed centre of the CA. This is an important characteristic of the CA as it shows the links from the compact centre to the wider surrounds and evolution of the settlement.

6. The appeal site is an area of land adjacent to No.45 Park Road which is currently utilised for bin storage, clothes drying and garden area. The 3-storey terrace, of which No.45 forms part, due to its size, design and frontage on to Park Road, is an incongruous addition within the streetscene. When viewed from both Park Road and Western Road it has a negative effect on the character and appearance of the CA. Adjacent to the other side of the site are more traditional dwellings which are set at a significantly lower level and have their main frontage on to Western Road.
7. Although enclosed by a boundary wall / fencing, the site retains an overall open character and provides clear separation between these differing styles of development. This is important in reducing the dominance of the modern 3-storey terrace properties within the streetscene. This separation though would be lost as a consequence of the appeal scheme.
8. In addition, the size and design of the proposed dwelling would be at odds with that of the existing adjacent development. The fenestration is not comparable, and the mansard roof is not characteristic of the adjacent development or surrounding CA. The mansard roof and overall size of the proposed dwelling would result in it having a bulky and squat appearance.
9. The development does not reflect the size and design of either of the adjacent properties and as such cannot be considered to provide a transition between these differing styles, it merely introduces another. The proposals therefore not only remove a positive gap in the streetscene, but introduce a development which itself is incongruent, and will draw attention to the existing 3-storey terrace, which already has a negative impact on the CA.
10. It is acknowledged that the side elevation of the existing terrace is a dominant feature along a small section of Park Road. However, as detailed above this impact is reduced in its effect by the current separation and openness offered by the appeal site.
11. The proposed dwelling would itself have a substantial blank side elevation, which due to the proximity of the dwelling to the highway, and its projection beyond No119 Western Road would be similarly dominant when viewed from the surrounding area. Furthermore, the upper section of the existing 3-storey terrace would still be visible and overall the proposals would have a negative effect on the character and appearance of the CA.
12. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the CA, and the result of the proposal would be less than substantial harm when considered in the context of the National Planning Policy Framework. Whilst the proposals would provide an additional dwelling, in an accessible location, I do not consider this public benefit would be sufficient to outweigh the harm I have identified to the CA and to which I have attached considerable importance and weight.
13. Therefore, for the reasons stated above the development would conflict with Policies CS11, CS12 and CS27 of the Dacorum Borough Council Core Strategy 2006-2031 which seek to ensure that developments are of high-quality design, respecting existing development and positively conserving and enhancing the appearance and character of the CA.

Living conditions

14. The proposed dwelling would result in a substantial blank side elevation which, as detailed above, would be a dominant feature when viewed from the public realm.
15. No 119 Western Road is adjacent to the appeal site with its side elevation directly adjoining the appeal site boundary. It is at a significantly lower ground level than the appeal site and has habitable room windows to its rear elevation and a small enclosed rear garden.
16. Due to the significant projection of the proposed dwelling beyond the rear elevation of No 119 and, in particular the overall scale of the side elevation, it would be a dominant and visually intrusive feature when viewed from this property, restricting outlook and creating an oppressive feeling when in the dwelling. This impact is further compounded by the significant level change and the proposed dwelling would be extremely overbearing.
17. The appellant assumes the upper floor window serves a bedroom and states that, as such, the impact is reduced as it would generally only be occupied at night. It cannot reasonably be assumed that bedrooms are only used at night and occupiers of the property should expect to be able to enjoy use of the rooms without feeling unacceptable enclosed.
18. The proposed dwelling would still be a visible, dominant feature and result in a sense of enclosure when viewed from No119 and its rear garden area. The inset of the upper floor window from the site boundary and presence of a single storey extension to the rear of No 119 may alleviate the impact to some degree. However, overall the appeal scheme would result in harm to the living conditions of the occupiers of No 119 from an unacceptable overbearing impact and visual intrusion.
19. The proposal would therefore conflict with Policy CS12 of the Dacorum Borough Council Core Strategy 2006-2031 which seeks to ensure that development respects and does not have a detrimental impact on the amenities of neighbouring properties.
20. I note that the site is within the residential area and Policies within the Dacorum Borough Council Core Strategy, Local Plan and the Framework emphasise the need to support the efficient use of land and acknowledge the important contribution small-medium sized sites can make to housing supply. Whilst I have taken this into account, the provision of one additional dwelling would have a limited impact in relation to boosting the supply of housing.
21. I acknowledge that the proposals would raise no harm in relation to highway safety though I consider this would have a neutral effect and therefore afford it limited weight.
22. I have also taken into account the design of the proposed dwelling and that the appellant considers the standard of accommodation would meet the needs of future occupants. However, as outlined above the proposed design does not fit with the overall form and layout of its surrounds and I have found significant harm to the CA as a result of the proposed development. There is no evidence

before me to suggest that the future of the CA is at risk or that the development would aid in securing its future.

23. Overall, I do not consider any benefits of the proposal would be sufficient to outweigh the harm identified, and the proposal would not accord with the Development Plan or Framework when taken as a whole.

Conclusion

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

A Denby

INSPECTOR