
Appeal Decision

Site visit made on 14 July 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2020

Appeal Ref: APP/A1910/W/20/3247462

Garden Cottage, Green Lane, Bovingdon, Herts HP3 0LD

- 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 Henry Peters against the decision of Dacorum Borough Council.
 - The application Ref 19/02580/FUL, dated 5 March 2019, was refused by notice dated 4 February 2020.
 - The development proposed is the demolition of existing garage and store and erection of domestic dwelling use class C3.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effects of the proposal on the adjacent tree and;
 - the living conditions of the future occupants of the new dwelling with regard to adequacy of outdoor space as well as the outlook, privacy and disturbance to habitable rooms.

Reasons

The effects of the proposal on the adjacent tree

3. Green Lane is a main thoroughfare out of Bovingdon and the site is on its countryside fringes. There is a discernible openness and individual trees and front gardens predominate, which merge into woodland.
4. The access to the proposed development would be at the centre of the frontage, very close to the trunk of a mature oak tree, which is a major landmark of Green Lane. A mesh system would be used to reinforce the surface for much of the access and would extend over a substantial area below the oak tree canopy. Indeed, the submitted Arboricultural Impact Assessment Plan (AIAP) notes that the mesh would exceed the recommended 20% root protection area (RPA).
5. The AIAP shows underground utilities/services and the corner of the proposed dwelling inside the RPA. Whilst the accompanying Arboricultural Method Statement mentions hand digging, the roots would still be disturbed and in

- newly made up ground which would threaten the health of the tree. The proposal would also involve a new boundary wall, also within the RPA, and it is reasonable to assume that would also need excavations for foundations.
6. The above statement mentions the need for pruning to give clearance over the access. This would be likely to impair the health and longevity of the tree. A reduction in the canopy would also be conspicuous and demean the stature of the tree.
 7. The height and extent of the canopy would result in significant shadowing to the windows of the new house, impairing the living conditions. The house would also be prone to leaf litter and falling tree debris, which would require ongoing removal and cause for concern. Further pruning would be likely in the future.
 8. Whilst I note that a similar access was part of planning application 4/00590/19/FHA, permitted 7 August 2019, this appeal scheme shows more excavation for a dropped kerb at the junction with the main road, which would have more impact as more roots would be disturbed.
 9. To conclude on this main issue; the proposal involves a mesh which exceeds the recommended 20% of the RPA, various excavations for foundations/services and pruning the tree, with more pruning likely in the future. Accumulatively these works would harm the health, longevity and significance of the tree, which appears in good health and notability. Saved policy 99 of the Dacorum Borough Local Plan (LP) seeks to protect trees from development, whilst policies CS11 and CS12 of the Dacorum's Local Planning Framework Core Strategy (CS) seek to protect trees and local character. The proposal would be contrary to these policies.

The living conditions of the future occupants

10. The proposed new access would terminate with three car parking spaces for the existing dwelling at one end, and a tangential offshoot drive for a parking space for the new dwelling and a gap for manoeuvring.
11. The resulting vehicular movements would happen in close proximity and facing the double opening doors of the proposed main habitable rooms, resulting in significant disturbance. Car lights would be a further nuisance as light spillage and glare would be likely over a wide area and the drive's narrowness could lead to excessive movements. The privacy of these habitable rooms would also be impaired by the occupants getting in/out of cars and even delivery vans. Whilst a one metre high wall is proposed, this would not obscure the movements of vehicles or all of the light spillage or provide privacy.
12. The proposed garden space would be next to the access drive and three car parking spaces for the existing dwelling. The disturbance and privacy issues above would also arise in this garden. Additionally, it would also be overly enclosed by the oak tree canopy and the neighbouring two storey house, whilst the row of semi mature trees on the southern boundary would also create shadowing.
13. A further garden is shown to the north between the dwelling and the front boundary. However, this would only be accessed through the front entrance and does not relate to the principle habitable rooms. It would be partly

shadowed by the proposed house and oak tree. The boundary walls would cause some shadowing as well as an overbearing sense of enclosure.

14. I therefore conclude that the proposal would not provide reasonable living conditions. Policies CS11 and CS12 of the CS and the saved appendix 3 of the LP, seek to ensure that new development has adequate living conditions. The proposal would therefore conflict with these policies.

Other matters

15. The proposal would provide a new house within a village with good facilities and public transport. This would give economic and social benefits, including the support for local services and a contribution to housing supply. However, as this is only one house the benefit would be very limited and does not outweigh the harm.

Conclusion

16. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR