
Appeal Decision

Site visit made on 18 November 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2020

Appeal Ref: APP/A1910/W/20/3256051

52 Bronte Crescent, Hemel Hempstead HP2 7PR

- 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 Tolmay against the decision of Dacorum Borough Council.
 - The application Ref 20/00248/FUL, dated 3 February 2020, was refused by notice dated 6 July 2020.
 - The development proposed is described as '*detached 2 storey, 2 bed residential property*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of the occupiers of No. 52 Bronte Crescent, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is formed by the side and rear garden of No. 52 Bronte Crescent, a semi-detached corner property that is part of a larger estate of modest 2 storey properties of a uniform style and appearance. The appeal site lies in a prominent location within the streetscene. The openness of the side and rear gardens, including the appeal site, provides deliberate visual and spatial relief in what is a tightly developed and formally planned estate where properties are located close together in groups and rows of staggered terraces and pairs. Significant development above single storey was not a prevalent characteristic of the rear or side gardens of the properties.
4. In such a context the proposal would result in the substantial erosion of the space and the contribution it currently makes. It would be sited on an evidently smaller plot and in such proximity to its boundaries, and in particular from the north, the eye would be unacceptably drawn to its different sized gables and the narrow gable of the 'wing'. It would have an evidently narrower plan form, stepping down below the consistent roofline of Nos. 50 to 46 and would not reflect the staggered form of this group of properties.
5. The first-floor balcony on the front elevation, the floor to ceiling double door serving it and the overly vertical central arrangement of fenestration would not

be reflective of the prevailing vernacular. It would result in visual incongruity rather than visual interest. Whilst amendments have been made to a previously refused scheme¹, ultimately this proposal would be an incongruous intrusion of unsympathetic built form and a jarring addition to the streetscene that would be to the detriment of the visual interests of its surroundings.

6. I acknowledge that there may be no objections from the Council in principle to the subdivision of the site for residential development in this location. Nevertheless, in such a context the proposal would not represent a high quality of design and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy CS12 of the Dacorum Core Strategy 2013 ('the CS') insofar as it requires development to integrate with streetscape character and respect adjoining properties in terms of layout, site coverage and resultant quality of design.

Living conditions

7. Given the formally planned layout of the area, built form is evident in the outlook from the rear of the properties including from their modest gardens. However, the deliberate arrangement and juxtaposition of the buildings, gardens and spaces ensures that acceptable levels of outlook are provided between the properties. The lack of objection from existing occupiers is not determinative as I must consider the amenity of both existing and future occupiers.
8. The encroachment of 2 storeys of built form to the same depth as No. 50 would be clearly conspicuous from the rear elevation and private rear garden of No. 52. The blank side wall of No. 50 is already visible but not directly so and is sited further away. This would be replaced by a 2-storey internal corner and a greater extent of brickwork and much closer to that property.
9. Other garden space would remain and views from habitable room windows would be oblique but nonetheless, in such proximity the size and siting of the proposal would significantly increase the sense of enclosure to No. 52 and be visually intrusive and overbearing. It would cause moderate harm to the living conditions of the occupiers of No. 52 Bronte Crescent, in terms of outlook and would therefore conflict with Policy CS12 of the CS insofar as it requires development to avoid visual intrusion.

Other Matters

10. I acknowledge that pre-application advice was also given. However, that pre-application advice is not binding, and the Council do not object in principle to residential development. The considerations involved require a degree of subjectivity and each case must be determined on its own merits. Ultimately the Council's administration and determination of the application has no bearing on the planning merits of the proposal before me.
11. The Council have drawn my attention to recently revised parking standards but given my decision to dismiss the appeal on other grounds, it is not necessary for me to consider this any further or allow the appellant an opportunity to respond as it would not alter my decision to dismiss the appeal.

¹ LPA ref: 4/02133/19/FUL.

Planning balance and conclusion

12. For the reasons given above, the proposal would cause significant harm to the character and appearance of the area and there would also be some moderate harm to the living conditions of neighbouring occupiers, in terms of outlook. It would conflict with the development plan, when read as a whole.
13. For the purposes of this appeal the Council do not dispute that they cannot demonstrate a 5-year supply of housing land². Consequently, the presumption in favour of sustainable development in paragraph 11 d) ii. of the Framework is engaged by virtue of footnote 7. Paragraph 11 d) i. is not applicable.
14. The adverse impacts are those identified above and there would be conflict with the achieving well-designed places, sympathetic to local character and high standard of design and amenity objectives of the Framework.
15. Balanced against this, there would be some small economic and social benefits from the creation and occupation of an additional dwelling that would also be suitable as a small starter unit. The proposal would also make a more efficient use of land in an accessible location, albeit this would be to the detriment of the quality of the built environment. Compliance with other development management requirements such as living accommodation standards and highway safety weighs neutrally in the planning balance.
16. Even in the context of the Council's current housing land supply position, the harm and the conflicts that I have identified are such that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. The proposal would not therefore be the sustainable development for which paragraph 11 d) ii. indicates a presumption in favour.
17. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan.
18. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

² 3.01 years as per 8.3 of the Council's statement.