



Appeal Decision

Site visit made on 12 October 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2021

Appeal Ref: APP/A1910/W/20/3254551 96 Longfield Road, Tring HP23 4DE

- 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 Land to Homes Ltd against the decision of Dacorum Borough Council.
 - The application Ref 19/03134/FUL, dated 2 December 2019, was refused by notice dated 15 June 2020.
 - The development proposed is demolition of existing bungalow to be replaced by the erection of a terraced row of four residential dwellings, to include all associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow to be replaced by the erection of a terraced row of four residential dwellings, to include all associated works at 96 Longfield Road, Tring HP23 4DE in accordance with the terms of the application, Ref 19/03134/FUL, dated 2 December 2019, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. Longfield Road comprises mainly 2 storey detached, semi-detached and terraced dwellings as well as several bungalows/ dormer bungalows. The Orchards, located nearby, is a 3 storey flatted development. Parking is either on-street, on front gardens or, as is the case with dwellings opposite the appeal site, to the rear of the housing where there is parking and garaging accessed via Carman Close. The appeal site comprises a chalet bungalow in deteriorating condition set within a significantly larger plot than most nearby properties.
4. The density of the proposed terrace equates to 40 dwellings per hectare which the Council suggest would be high compared to the surrounding area. It appears to me, however, that the width of the proposed terrace would be very similar to the terrace opposite the appeal site at Nos 93-99 and other dwellings on Longfield Road (such as Nos 69 to 79) so I would not agree that the proposed density would be untypical. It would represent an efficient use of a brownfield site which is encouraged by the Government's National Planning Policy Framework (the Framework) and it would be a substantially lower density to that (70 dwellings per hectare) considered at an earlier appeal on

the same site (APP/A1910/W/18/3218673). The Council refer to the Residential Character Area TCA2 (Miswell Lane) of Dacorum's Area Based Policies Supplementary Planning Guidance (2004) (SPG). This document, under development principles, seeks development in the low-density range (15 to 25 dwellings per hectare) although that does not appear to very accurately reflect the variety in density to be found in the vicinity of the appeal site.

5. The positioning of the proposed terrace would be forward of the existing bungalow but, on the same building line as most of the existing dwellings on the street frontage. While this, together with the additional height compared to the bungalow, would inevitably appear more prominent I cannot see why this would be visually harmful to the streetscene. The inclusion of parking to the front of the integral garages proposed is a configuration that is to be found elsewhere on Longfield Road.
6. The proposed Hansard roof design enables living accommodation in the roof space but, this is achieved without raising the height of the proposed development above that of 2 storey buildings. Longfield Road slopes gently from south-east to north-east which, according to the elevations means the new building will be lower than No 94 but slightly higher than the ridge line of No 98. The inclusion of dormer windows at second storey level facing the street frontage can be found nearby at No 91. On the grounds, and that there are already examples of terraces of 4 or more dwellings on Longfield Road I would not agree that the proposed development would appear as bulky, over-sized and out of place in its context. To the rear, the existing garden will be divided into 4 narrow gardens serving each property. There is no reason why this should harm character and appearance, since examples of similar shapes and dimensions already exist in other properties on Longfield Road. Therefore, I would not agree that the appeal proposal is cramped or represents an over-development of the site.
7. The design of the proposed terrace contrasts with the existing buildings in the area but, one of the key characteristics of the design, age and configuration of many of the properties on Longfield Road is their variety. There is no reason why the appeal scheme would not add to rather than detract from this. The proposed parking spaces to the front of each garage will replace the existing boundary fence but, it appears to me that parking to the front of the dwellings is preferable to parking to the rear which was an aspect of the earlier scheme that the Inspector considered unsatisfactory. Landscaping proposals would have the effect of breaking the proposed parking area into 2 separate sections which would help soften the visual impact.
8. Accordingly, I conclude that the appeal scheme would not be harmful to the character and appearance of the area. As such, the proposal is consistent with the provisions of Policies CS11 and CS12 of the Dacorum Core Strategy 2006-31 (adopted 2013) Together, these policies seek to encourage design in new development that respects the character and appearance of the neighbourhood and a high quality of design at a site level. The proposed development would also be consistent with the Government's approach towards brownfield development in the Framework.

Other Matters

9. Many of the matters raised by objectors fall under the main issue. The most frequent additional comment related to parking stress in the area and the

potential loss of on-street parking. However, the Highway Authority did not express concerns in this regard and the proposals for parking would be satisfactory.

10. One objector referred to the arrangements for bin storage, to be provided inside the garages. However, the Council was satisfied with the proposed arrangements and I have no reason to disagree.
11. Finally, it was suggested that the positioning of the proposed dwellings on the site was not clear so, it was not possible to assess the likely impacts in respect of overshadowing. The application plans show the positioning of the proposed terrace and the Council's assessment of the planning application was that it did not raise concerns regarding overshadowing to the detriment of occupiers of neighbouring dwellings including No 98 and the properties to the rear at Cherry Gardens. I agree with that assessment.

Conditions

12. The Council helpfully provided suggested conditions should I allow the appeal. The appellant has expressed their views on these in final comments. I have considered the suggested conditions in relation to the Framework and the PPG and made amendments and/or deletions as appropriate. The conditions in the attached schedule are considered to be reasonable and necessary to make the approved development acceptable.
13. Condition 1 refers to the standard time limit with condition 2 defining the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. Although the Planning, Design and Access Statement includes some detailing of materials for external surfaces, Condition 3 requires these to be approved by the Council. This is to protect the character and appearance of the area. Conditions 4 and 5 address actions required to address the risks arising from potential land contamination. These are necessary to ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development. Condition 4 is a pre-commencement condition which has been agreed by the appellant. Conditions 6, 7 and 8 address the provision of vehicle crossovers, the provision of visibility splays and specification of the provision for the parking areas respectively. These conditions are required in the interests of highway safety. Condition 9 deals with landscaping matters and is required to improve the appearance of the development and its contribution to biodiversity and the local environment.
14. The Council suggested a further condition removing permitted development rights but, in relation to this development, I am not convinced this is necessary.

Conclusion

15. For the reasons stated above the appeal is allowed, subject to conditions.

David Carter

INSPECTOR

SCHEDULE OF CONDITIONS [9 in total]

1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Proposed Floor Plans and Elevations – Plan 1 Ref: PAD/DEC/001,
Proposed Floor Plans and Elevations – Plan 2 Ref: PAD/DEC/001,
Proposed Floor Plans and Elevations – Plan 3 Ref: PAD/DEC/001,
Arboricultural Survey and Impact Assessment, November 2019,
Design and Access Statement, November 2019,
Landscape Proposals Plan Ref: LAS TR 05,
Site Location Plan,
Site Survey – Ref: K45-17.

3) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) Contaminated Land Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with a view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report

pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

5) Contaminated Land Condition 2:

Any contamination, other than that reported by virtue of Condition 4 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

6) The development shall not be brought into use until the new vehicle crossovers have been constructed in accordance with the approved plans.

7) Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

8) Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan Ref: LAS TR 05 and retained thereafter available for that specific use.

9) The landscaping works shown on the Landscape Proposals Plan (Ref: LAS TR 05) must be carried out within one planting season of completing the development. Any tree or shrub that forms part of the approved landscaping scheme, which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

END OF SCHEDULE