



Appeal Decision

Site Visit made on 19 April 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/A1910/W/20/3259290

The Royal Oak, The Street, Chipperfield WD4 9BH

- 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 John McGowan (McGowan Investment Property) against the decision of Dacorum Borough Council.
 - The application Ref 20/00589/FUL, dated 9 March 2020, was refused by notice dated 28 July 2020.
 - The development proposed is 7no. 3 bedroom terraced family dwellings, with associated car parking provision of 16no spaces and landscaping. Parking provision of 7 public spaces and 2no designated spaces (one in existing garage) for staff of Spice Village restaurant.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. There are extant permissions for terraces of five and six houses and associated development on this site. These permissions are similar in nature to the appeal proposal. The appellant can implement either of these permissions should the appeal fail and has indicated that the six house scheme represents their fallback position. This attracts considerable weight in the determination of this appeal.
3. The site is within the Green Belt. The Council consider that the proposal amounts to limited infilling and is therefore not inappropriate development. I see no reason to disagree with this conclusion.
4. The main issue is therefore whether the development would preserve or enhance the character or appearance of the Chipperfield Conservation Area.

Reasons

5. The site lies within the Chipperfield Conservation Area (the CA). The CA includes Chipperfield Common and a largely rural area comprising a mix of dwelling types and plot sizes with a greater density of development close to the core of the village. It derives its significance in part from the mix of dwelling and plot sizes and the varied character of properties within it. Houses within the CA are typically detached, with some semi-detached and terraced houses near the village core and scattered instances elsewhere within the CA. In accordance with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

6. The appeal site lies next to a terrace of properties at the junction of The Street and Chapel Croft, including the Spice View restaurant on the corner plot, with the other neighbouring site comprising a new development of four terraced houses, Chantry View.
7. The appeal proposal would be a denser form of development than those previously approved. The houses would be narrower than those previously approved, while the terrace as a whole would be wider. While the density of development would be in line with that sought by Policy 21 of the Dacorum Local Plan 2004 (the LP), the wider terrace would be a much more prominent feature in the street scene. The terrace would sit much closer to the street than the neighbouring Chantry View development, emphasising its greater width with little relief provided by the setback of the three central houses in the row.
8. The terrace would extend much closer to the properties on The Street, reducing the sense of spaciousness around them and encroaching significantly on the visibility of the Baptist church to the rear of the site from Chapel Croft, which is prominent in the street scene due to its elevated position, steeple and high ridgeline. The reduction in space between the terrace and properties on The Street would be significantly greater than in the extant permission, resulting in a harmful reduction of the spacious and open character in this location.
9. Due to the increased width the accesses to both the residential and the restaurant parking would be reduced in size from the extant permission. The footpath to the residential parking would be reduced in length, resulting in potential conflicts between pedestrian and vehicle traffic using the access. In addition, while the development would provide one car parking space more than the extant permission, there would be restricted access to space no 15 if the spaces to either side were occupied. The restaurant parking would still provide nine spaces, but the restaurant staff would be required to tandem park while the spaces at the far end of the customer parking, including the two indicated electric charging spaces, would have limited manoeuvring space. These issues contribute to the overall impression of a cramped and overly dense development.
10. The appearance of the proposed houses would be broadly similar to those previously approved, and the external materials could be conditioned to ensure appropriate finishes in this sensitive location. However, while the appearance of the houses may be acceptable in themselves, the appeal proposal overall would be an overdevelopment of the site resulting in harm to the open character of the area and encroaching on the visibility of the Baptist church within the street scene.
11. The development would therefore fail to preserve both the character and the appearance of the CA. The extant permission for a smaller development is a material consideration in assessing the extent of that harm, which would be principally experienced in the immediate vicinity of the site. Given these considerations, the impact of the development would amount to less than substantial harm to the significance of the CA.
12. The National Planning Policy Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development

proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

13. There would be a public benefit from the creation of additional housing, although given the existing fallback position there would only be one additional house created. In addition, the site in its current state is unattractive and redevelopment could improve its appearance within the street scene. However, as I have found that the appeal proposal would result in harm to the significance of the CA, in this instance this would not weigh in favour of this development. I therefore consider that the public benefits of the development attract limited weight. This does not overcome the great weight to be accorded to the conservation of the significance of the CA.
14. The development would therefore result in unacceptable harm to the character and to the appearance of the CA. It would conflict with the Act, and with the requirements of Policies CS11, CS12 and CS27 of the Dacorum Core Strategy 2013 and Policy 120 and Appendix 3 of the LP. Taken together these require that development positively conserve and enhance the appearance and character of conservation areas and respect the typical density intended in an area and enhance spaces between buildings and general character.

Other Matters

15. The members of the Council's development management committee refused permission for the development contrary to their officers' recommendation. I do not consider this to be unusual, as decisions regarding the effect of a development on character and appearance are necessarily matters of planning judgment in which committee members may conclude differently to officers.

Conclusion

16. There are no material considerations to indicate that the appeal should be determined other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR