



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/20/3258742 26 Morefields, Tring, Herts HP23 5EU

- 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 Mark Richardson against the decision of Dacorum Borough Council.
 - The application Ref 19/02948/RET, dated 24 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed is described as change of use from amenity land to garden. Retention of terracing and decking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The construction of the terracing and decking was substantially complete at the time of my visit. I have determined the appeal accordingly.

Main Issue

3. The main issues are:
 - The effect on the character and appearance of the area,
 - The effect on the ordinary watercourse; and,
 - The effect on ecology and biodiversity.

Reasons

Character and Appearance

4. The watercourse occupies a prominent location within this residential estate and provides visual relief in an area otherwise dominated by hard surfacing and parked cars. The watercourse is separated from the neighbouring houses by the communal driveway and is fenced in on both sides. It does not have the visual appearance of a residential garden other than as a result of the works within the appeal site.
5. The decking covers a significant expanse of the watercourse, concealing the flowing water. The landscaping of the terraced banks with shingles interrupts the green appearance of the banks to either side of the decking, harming the overall natural appearance of the watercourse.
6. Landscaping of the neighbouring sections of the bank has been less intrusive to the character of the watercourse, with lower terracing and softer landscaping

where significant works have taken place. Maintenance works and landscaping may have been necessary to manage erosion of the banks within the appeal site. However, it is not clear that such extensive works were required in this instance, given that the adjacent banks appear to have been managed much less intrusively. The introduction of such a substantial expanse of decking and the hard landscaping of the banks results in a jarring and uncharacteristic appearance to the appeal site within its surroundings.

7. The appellant has suggested that the decking could be stained a darker colour to soften its appearance, and that further planting could take place. Such measures could be controlled by condition if I were minded to allow the appeal. However, I do not consider that this would satisfactorily overcome the harm from the extent of works and their visual impact on the area.
8. The development therefore results in an unacceptable impact on the character and appearance of the area. It conflicts with Policies CS4, CS10, CS11 and CS12 of the Dacorum Core Strategy 2013 (the CS). These policies require, amongst other criteria, that development integrate with the streetscape character and preserve and enhance green gateways.

Ordinary Watercourse

9. The decking is a much larger and more substantial structure than the adjacent bridges which provide passage between banks of the watercourse. Given its size and the limited distance between its underside and the surface of the water it restricts access to the watercourse along its length. It also restricts light to the water underneath.
10. While the decking panels could be lifted to provide access, this would be a protracted process. In the event of urgent access to the watercourse underneath being required, such as to address flood risk, the decking would be an obstruction that would inhibit that access.
11. The decking is constructed of individual panels and some light could filter through the gaps between panels. However, these gaps are very small and little or no light appears to reach the water.
12. The appellant contends that any deterioration in water quality is a result of an adjacent development upstream. However, that is beyond the scope of this appeal to address, and even if there is harm from that development, the loss of light resulting from the physical works within the appeal site will be harmful to the quality of the water as well.
13. The development therefore has an unacceptable effect on the watercourse, contrary to the requirements of Policy CS31 of the CS which requires that water be retained in the natural environment as far as possible.

Ecology and Biodiversity

14. The construction of the decking and the terracing and hard landscaping of the banks has resulted in the loss of natural features from the site. There are water reeds growing within the water to either side of the decking, and any established plants along the banks have been removed.
15. The decking results in substantial shading of the watercourse and inhibits the growth of plants underneath it. Together with the hard landscaping of the

banks I consider that the development has harmed the ecological value and habitat potential of the section of watercourse within the appeal site.

16. The appellant contends that the prior introduction of a sluice a short distance from the appeal site means that the watercourse is no longer a natural habitat. However, the management of watercourses does not prevent them from being natural habitats provided that such management does not result in harmful changes to its character and environment. I do not consider that the introduction of the sluice would have resulted in such a marked change to the watercourse that it was no longer a natural habitat. The presence of open, flowing water and green banks along the watercourse provides a habitat for birds, insects and other species. That is no longer the case within the appeal site due to the shading of the water and hard landscaping.
17. There are plants which can grow in the shade which could grow beneath the decking and the appellant has stated that they are willing to introduce habitat and biodiversity enhancements. However, it is not clear that any such measures could be of equal or greater ecological value to that present at the appeal site before the terracing of the banks and construction of the decking. Consequently, I do not consider that the harm could be overcome by an appropriately worded condition even if I were otherwise minded to approve this appeal.
18. The development therefore results in unacceptable harm to ecology and biodiversity, contrary to Policy CS26 of the CS which requires that development contribute towards the conservation and restoration of habitats and species.

Conclusion

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

M Chalk

INSPECTOR