



Appeal Decision

Site Visit made on 15 June 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2021

Appeal Ref: APP/A1910/W/21/3267910

3 Curtis Road, Hemel Hempstead, Hertfordshire HP3 8LE

- 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 Mrs K Khali against the decision of Dacorum Borough Council.
- The application Ref 20/03103/FUL, dated 15 October 2020, was refused by notice dated 15 December 2020.
- The development proposed is described as 'existing garage converted into 2 bedroom chalet bungalow'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission has previously been granted on the site for development described as an 'outbuilding for recreational purposes including a gym, games area, wc & shower & storage facilities'. However, the appeal concerns development of materially different nature and design and I have considered it on its own merits.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether or not living conditions for future occupiers of the proposed dwelling would be acceptable with particular regard to privacy, outlook and the provision of amenity space;
 - iii) the effect of the proposal on the living conditions of the occupiers of 3 and 3A Curtis Road with particular regard to outlook, noise and disturbance; and
 - iv) whether or not there would be suitable access for emergency vehicles and for the storage and collection of waste.

Reasons

Character and Appearance

4. The majority of buildings on Curtis Road are semi-detached dwellings which are of a couple of generally similar designs and external finishes. Short terraces to the central part of the road and detached bungalows at Netherwylde and 3A Curtis Road add some variety in the built form. However, dwellings are generally arranged on a reasonably consistent building line fronting the street with generous spaces between them that allow views towards long rear gardens. This regularity provides for a rhythm and sense of coherence to the street scene, and there is an attractive spacious character to the area overall.

5. The appeal site includes an outbuilding within the rear garden of 3 Curtis Road which it is proposed to extend and convert to a dwelling served by a vehicle access between No 3 and the neighbour at No 3A. I am satisfied that the dwelling's form and appearance would be broadly compatible with the mix of buildings near to the site, but its siting to the rear of No 3 and lack of a street frontage would be in marked contrast to the usual pattern of development along Curtis Road. The position of the garden to the front of the dwelling and its small size relative to the building would also be at odds with the long rear gardens that are characteristic within this area. The dwelling would be of much greater height and overall scale than the existing garage on the site and other outbuildings that I observed to the rear of nearby properties, and would in part be visible including from Curtis Road along the proposed driveway. I accept that it would not be prominent in the street scene, but its presence would be jarring and it would diminish the spaciousness on the site that currently makes a positive contribution to the character and appearance of the area.
6. Appendix 3 of the Dacorum Borough Local Plan 2004 (DBLP) and the Area Based Policies Supplementary Planning Guidance 2004 (SPG) include advice that gardens should normally be positioned to the rear of dwellings and that dwellings in this part of Leverstock Green should normally front the road with front and rear gardens and follow the building line. Although other forms of development are not specifically precluded by this guidance, the above factors would in this case combine to result in an incongruous and unsympathetic feature.
7. I note that No 3A adjacent to the appeal site differs in form and scale from other dwellings along Curtis Road. Even so, it has a frontage to the street and is set back a broadly similar distance from the road to neighbouring dwellings with a relatively long garden to its rear. While it adds to the mix of buildings and has a smaller plot, it does not therefore notably alter or disrupt the characteristic layout of the area and is not directly comparable to the appeal proposal.
8. I have also had regard to a nearby dwelling at 197 Leverstock Green Road which sits behind 195 Leverstock Green Road. However, the appeal decision which initially granted planning permission for this development noted that the site was within a group of closely spaced buildings with relatively small private gardens which did not follow the more typical pattern of dwellings fronting the road, and that the proposal could be considered an addition to this more irregular development pattern. Its circumstances are therefore distinct from the appeal before me where the development would stand out conspicuously against the reasonably consistent layout of dwellings on Curtis Road. The appellant's evidence additionally includes an aerial photograph showing other dwellings positioned to the rear of frontage buildings, but I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of relevant development plan policy. They are also located within a different street context to the appeal development which I have in any case considered on its own merits.
9. For the above reasons, I conclude that the development would be a discordant addition that would be detrimental to the character and appearance of the area. It would therefore conflict with Policy CS12 of the Core Strategy 2013 (CS) which requires, amongst other things, that development should integrate with streetscape character and respect adjoining properties including in terms of layout, landscaping and amenity space.

Living Conditions – Future Occupiers

10. Irrespective of the depth and overall area of the garden to the dwelling, there would be direct views of the entirety of this space from first-floor windows to the rear of No 3. Given the close proximity of these windows to the boundary, and particularly those within the deeper rear projection to No 3, I consider that the resulting overlooking would be significant and intrusive, and the garden would not provide suitable private open space for use of the dwelling as sought by Appendix 3 of the DBLP. I note that there would be convenient access from the site to the nearby Leverstock Green Playing Field, but this space would not offer a substitute for private open space for the exclusive enjoyment of occupiers of the development. Although separation between the rear of No 3 and the proposed dwelling would be slightly greater, it would still be fairly modest, and in my view would be insufficient to prevent harmful overlooking of the windows to the front of the development.
11. In addition, the dwelling would be set close to the fence marking the rear boundary of the site and trees and vegetation around the edge of the adjoining car park which are immediately behind. These trees are of substantial height, and at the time of my visit their foliage provided a relatively dense screen extending above the fenceline and across the width of the site. Rooflights to the front of the dwelling would provide an alternative source of light to the bedrooms, but the sole window to the kitchen would be to the rear where light received would be severely restricted by the boundary fence and trees. The small size of the rooflights relative to the bedrooms also suggests to me that occupiers would be likely to rely at least in part on the much larger rear windows for outlook. However, views from these windows, as well as those at ground floor level, would be significantly enclosed at close quarters by the fence and trees above resulting in an oppressive internal environment.
12. I note photographs of the trees included within the appellant's evidence and that they are likely to result in less obstruction to light and outlook during the winter months when the trees are not in full leaf. Be that as it may, for at least part of the year I consider that standards of both light and outlook would fall far short of what could reasonably be expected by occupiers of the dwelling to the detriment of their quality of life.
13. I therefore conclude on this main issue that the proposal would fail to provide acceptable living conditions for future occupiers of the development with regard to privacy, outlook and the provision of amenity space. Accordingly, the proposal would conflict with Appendix 3 of the DBLP which broadly seeks suitable standards of privacy, light and private open space for occupiers of development. It would also be contrary to the requirement within the National Planning Policy Framework (the Framework) for a high standard of amenity for existing and future users.

Living Conditions – Neighbouring Occupiers

14. I agree with the appellant that some servicing and delivery vehicles may stop on Curtis Road rather than entering the site, and given also that it would only serve one dwelling, I consider that overall levels of traffic using the proposed driveway would be likely to be low. Even so, the number or times of movements could not be controlled, and the narrow width of the access would result in vehicles passing immediately alongside No 3A which is set on the boundary with the site and No 3 which includes windows facing the access. I

consider that vehicles passing at such close proximity would be highly noticeable, and even in low numbers would result in undue noise and disturbance that would be intrusive and harmful to the living conditions of the occupiers of these dwellings.

15. The dwelling would also be of increased bulk and mass in comparison to the existing garage, and would be noticeable from the rear of Nos 3 and 3A. However, it would be of fairly modest height, and I am satisfied that separation distances would be sufficient to ensure that it would not be overly dominant or overbearing to occupiers of these neighbouring dwellings. Be that as it may, this does not outweigh the harm that I find would be caused as a consequence of noise and disturbance associated with the proposed access.
16. I therefore conclude on this main issue that the proposal would result in unacceptable harm to the living conditions of the occupiers of 3 and 3A Curtis Road with regard to noise and disturbance. As a consequence, the proposal would conflict with requirements within Policy CS12 of the CS and Appendix 3 of the DBLP which broadly seek to prevent disturbance or noise nuisance to surrounding properties, and would also be contrary to the Framework's requirement for a high standard of amenity for existing and future users.

Access for Emergency Vehicles and the Storage and Collection of Waste

17. There is disagreement between the main parties over the distance between the front of the dwelling and the Curtis Road highway. However, even if I were to accept the Council's position that the distance would slightly exceed the 45m referred to within Manual for Streets to enable access and facilities for the fire service, there would additionally be potential access for emergency vehicles via the car park to the rear of the site. Vehicles may be parked in spaces to the rear of the site, but this would not be dissimilar to circumstances where parking takes place along streets and I consider it unlikely that this would result in obstruction so as to prevent access. On this basis, it seems to me that access for emergency vehicles would be satisfactory.
18. The appellant suggests that storage for waste would be provided within the site, and that bins would be moved to a point closer to the highway on collection days so that vehicles would not have to enter the site. However, no details of a collection point have been provided and given the narrow driveway, I am uncertain whether or not this could be suitably accommodated alongside the need to maintain access and living conditions for neighbouring occupiers. I am not therefore satisfied that it would be appropriate to defer consideration of this matter to a planning condition. Moreover, even if storage was located at the end of the driveway, the appellant indicates this would still be 33m from the roadside. This would exceed guidelines within the Council's Refuse Storage Guidance Note 2015 (RSGN) which notes that residents should not be required to carry waste more than 30m, and further comments that residents of detached and semi-detached homes should not have to wheel bins further than 25m to the boundary for collection.
19. The RSGN provides guidance rather than absolute standards to be met and I accept that the distance beyond the guidelines would not be excessive, but the above factors in combination mean that I conclude that adequate provision for the storage and collection of waste has not been demonstrated. That future occupiers would be aware of it is not a compelling justification to allow an

otherwise unsatisfactory arrangement which I find would conflict with Policy CS12 of the CS insofar as it requires sufficient space for servicing.

Planning Balance

20. The appellant comments that the Council cannot demonstrate a 5 year housing land supply, with the current position indicating a supply of 3.8 years and I have not been provided with any contrary evidence to point to a different supply position.
21. The presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework is therefore engaged. This provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. In light of the clear objectives within the Framework to significantly boost the supply of housing and the housing undersupply position, the provision of an additional dwelling making effective use of the site within an existing residential area is an important benefit, and I afford it great weight. However, the extent of the benefit and the contribution made to the supply of housing overall would be limited by the modest scale of the proposal. There would additionally be some economic and social benefits associated with construction and occupation of the development, but these would also be restricted by its small scale and I afford them limited weight.
23. Against these benefits, I have identified harm to the character and appearance of the area and to the living conditions of neighbouring and future occupiers, and adequate provision for the storage and collection of waste has not been demonstrated. These aspects weigh against the proposal, and are contrary to requirements in the Framework for development that responds to local character and that provides a high standard of amenity for existing and future users.
24. I find that the adverse impacts of the development as a whole would be considerable, and I afford them significant weight. In the context of paragraph 11(d) of the Framework these adverse impacts would together significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework.

Conclusion

25. I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR