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# Appeal Decision

Site Visit made on 15 February 2022

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> February 2022**

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**Appeal Ref: APP/P1940/W/21/3274404**

**West Herts College, Home Park Mill Link Road, Kings Langley WD4 8LZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.  
The appeal is made by Bellway Homes Limited (North London) against the decision of Three Rivers District Council.
- The application Ref: 20/1858/AOD, dated 28 August 2020, sought approval of details pursuant to condition No 1 of planning permission Ref: 18/1034/OUT, granted on 15 August 2019.
- The application was refused by notice dated 10 March 2021.
- The development proposed is demolition of existing college building and redevelopment for a residential development of up to 65 flats.
- The details for which approval is sought are: appearance, landscaping, layout and scale.

## Decision

1. The appeal is allowed and reserved matters are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref: 18/1034/OUT, subject to the conditions set out in attached Schedule A.

## Application for Costs

2. An application for an award of costs was made by Bellway Homes Limited (North London) against Three Rivers District Council. This application is the subject of a separate decision.

## Preliminary Matter

3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

## Main Issues

4. The main issues in this case are the effect of the proposed development on:
  - The character and appearance of the locality; and
  - Parking capacity and highway safety.

## Reasons

### *Character and appearance*

5. The appeal site is located within a modern business park towards the bottom of a dip in the river valley landform. The buildings in the locality mainly have a late twentieth century business park type appearance. This comprises substantial scale buildings, typically two or three storeys high, with a variety of flat and shallow pitched roof forms. Some buildings with utilitarian expanses of red, buff and brown brick and metal cladding mix with others with more aesthetic profiles, glazing and cladding treatments.
6. The varying topography in the locality includes the river valley landform, together with earthworks and structures associated with the local canal and millstream network, the M25 motorway, the railway, the business park, the residential conversion of Pinnacle House, and fields south of the appeal site. Middle distance elements visible from the site's environs include a tree-covered ridgeline to the east, a canal with boats moored, and the motorway viaduct to the south. The eye is further drawn by various road and footway bridges over watercourses, an older canalside building, roadside trees and a public footpath along the southern end of the site bounded by tall hedgeline trees. Trees in the locality help soften and screen various views of the business park buildings, including on the appeal site. Stretches of the millstream add further visual and wildlife interest to the area.
7. The above together helps to shape the locality's somewhat varied, fluid and evolved character, with a quite dynamic mix of older and newer built elements, and the 'blue-green infrastructure' network of waterways and footpaths.
8. The proposed five storey building would be larger in height and bulk than various other buildings in the vicinity. That said, the site's lower lying location, the proposed building's setback from the road, existing and proposed roadside trees, and the established southern tree line would together help visually absorb and soften the scale of the building, from various viewpoints within the varied local character area. Also, existing built mass in the locality, including Concept House and Pinnacle House, is sufficiently substantial to 'hold its own' architecturally with the addition of the proposed building.
9. The Council's Urban Design Consultant assessed the proposed building as being acceptable within the context of the varying topography, building lines and heights in the locality, with an appropriately bold yet simple style. Also, in recommending granting of planning permission, the Planning Officer's Report took the view that the proposal would be of a suitable design, with its mill style gables and roofline characterfully reflecting the papermill history of the site. I agree on these points.
10. From countryside to the south, the proposed building would blend in acceptably with the built form of the business park's edge, softened by the southern treeline. The presence of this treeline, the openness of fields beyond, and the visual draw of other elements in the local landscape, including the watercourses, would endure.
11. Also, given the separation distance from the development to dwellings on Station Road, and intervening elements in the townscape, the proposal would not harm the privacy of residents on Station Road.

12. I therefore cannot agree that the proposal would appear as an overdeveloped, overly dominant and prominent addition to the street scene and locality.
13. Furthermore, the proposal would deculvert a noticeably increased proportion of the millstream on the site. This newly opened up stretch of stream would be a positive focus for the on-site waterside outdoor amenity space (OAS), with seating and a mix of naturalistic and formal planting for residents to enjoy.
14. While the OAS would be relatively compact in terms of usable area, its waterside and naturalistic planting elements, and connection to the millstream south of the site would provide visual and therapeutic value. It would be a positive landscape element for residents to view from various terraces and balconies on the eastern elevation of the building. Furthermore, together with the stretch of open millstream on the opposite side of Home Park Mill Link Road, this would read as a positive increase in the revealing of the millstream. In combination with access to the locality's blue-green infrastructure network of waterways and public footpaths, this would provide opportunity for future residents to appreciate the area's character, including its distinctive waterways heritage.
15. Consequently, the varied, fluid and quite dynamic character of the locality would endure. Given this, and that each case is to be assessed on its own merits, the appeal proposal would not set an unsympathetic precedent.
16. While the proposal would not meet the quantitative on-site amenity space standard of LDD Policy DM11, this is tempered by my finding that the proposed development would assimilate acceptably into the locality in terms of character and appearance. Therefore, in conclusion the proposal would not harm the character and appearance of area. As such, it would accord with the more dominant policies relating to this main issue, which are Policies CP1 and CP12 of the Three Rivers Core Strategy (CS), and Policy DM1 of the Three Rivers Development Management Policies Local Development Document (LDD). Together these policies seek to ensure that development complements local character and respects local distinctiveness.

### *Parking*

17. Some private car use by future residents of the proposed development is likely, in order to access various facilities and services beyond the immediate vicinity of the site. Also, I do not underestimate local residents' concerns about new development and parking capacity in the area.
18. However, there is not substantive detail before me of parking demand and capacity volumes for college students who formerly used the appeal site, or for other housing developments in the area. This limits the equivalence of other previously consented developments in the area to the current appeal proposal, in terms of adequacy of on-site parking capacity.
19. Also, Kings Langley railway station, which is a conveniently short walk from the appeal site, provides regular onward public transport connections to, among other places, Tring, Watford, London Euston and beyond. Bus services in the locality provide further access to Aylesbury, Hemel Hempstead and Watford. Cycle parking provision at the proposed development would encourage non-car modes of travel. The public footpath and pavement network in the locality also provides alternatives for walking for leisure, and to access shops and facilities

on Kings Langley High Street. As such, there would be some realistic alternatives to private car use for future residents of the proposed development.

20. Census data<sup>1</sup> indicates that a majority of private flat owners who own a property of between one and three bedrooms in the local area have either one car or none at all. Moreover, the Local Highway Authority have assessed the proposal as acceptable on highways grounds<sup>2</sup>.
21. Furthermore, on-street parking restrictions on Home Park Mill Link Road and Station Road are likely to be evident to future residents of the proposed dwellings, and thus contain their expectations of local car parking capacity.
22. In the light of the above combination of factors, I find that the proposed parking provision of 72 parking spaces, which equates to approximately 1.1 spaces per dwelling, is likely to be adequate and not place harmful pressure on off-site parking in the area.
23. This would be within the scope of the LDD<sup>3</sup> which allows for the possibility of lower provision than the Appendix 5 standard of 125 spaces for the appeal proposal, for residential development in areas of high accessibility, which the locality is, given its public transport connectivity to various town and city centre locations.
24. I therefore conclude that the proposal would provide adequate on-site parking provision, and would not harm parking capacity and highway safety in the area. As such, the proposal would not conflict with Appendix 5 and Parking Policy DM13 of the LDD, and Policy CP10 of the CS. Together these policies seek to ensure that, among other things, development provides adequate on-site parking and safe access, and major development is highly accessible by the most sustainable modes of transport

## Conditions

25. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of this case. I have made modest drafting changes for clarity.
26. A condition is necessary requiring that the development is carried out in accordance with the approved plans, to provide certainty. Conditions covering dust management, cycle and bin stores, glazing and lighting are required to safeguard the living conditions of residents. Conditions regarding materials, landscaping and boundary treatment are attached to complement the character of the locality. Conditions covering an energy statement, electric vehicle charging and a travel plan are necessary in the interests of environmental sustainability. A condition regarding car parking and turning areas is required in the interests of highway safety. A condition about fire hydrants is attached in the interests of fire safety.

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<sup>1</sup> As quoted in paragraph 3.1 of the Appellant's Response to Third Party Comments and LPA Statement.

<sup>2</sup> As quoted on page 7 of the Council's Planning Officer's Report to Planning Committee, Thursday 25<sup>th</sup> February 2021.

<sup>3</sup> As stated on page 69 of the LDD under Appendix 5, accordance with which Policy DM13 requires.

## Conclusion

27. The proposed development would adhere to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

*William Cooper*

INSPECTOR

## Schedule A) Conditions

- 1) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: D-003 Existing Site Layout; D100 Rev D Proposed Site Layout; D-101 Rev C GA Floor & Roof Plans; D-102 Refuse Strategy; D-103 Fire Strategy; D-200 Rev B Typical Layout Flat Type A; D-201 Rev B Typical Layout Flat Type B; D-202 Rev B Typical Layout Flat Type C; D-203 Rev B Typical Layout Flat Type D; D-204 Rev B Typical Layout Flat Type E; D-205 Rev B Typical Layout Flat Type F; D-206 Rev B Typical Layout Flat Type G; D-207 Rev B Typical Layout Flat Type H; D-208 Rev B Typical Layout Flat Type J; D-209 Rev B Typical Layout Flat Type M; D-210 Rev B Typical Layout Flat Type N; D-300 GA Elevations; D-400 Detailed Elevation Study Sheet 1 of 2; D-401 Detailed Elevation Study Sheet 2 of 2; D-402 Development in Context; 133834-RSK-DS-001 Rev P05 Drainage Design Statement Proposed Drainage Layout; 133834-RSK-DS-002 Rev P05 Drainage Design Statement Proposed SUDS Features; 133834-RSK-DS-006 Rev P01 Drainage Design Statement Site Levels & Contours; P32382/05/04 Rev 02 Landscape General Arrangement; P32382/05/05 Rev 02 Hard Landscape; P32382/05/06.1 Rev 02 Soft Landscape Plan Sheet 1 of 2; P32382/05/06.2 Rev 02 Soft Landscape Plan Sheet 2 of 2; 114822-IBI-XX-XX-XX-PL-A-200-01 Existing Site Plan; 114822-IBI-XX-XX-XX-PL-A-200-07 Existing Elevations; CEC Ground Floor Layout (Existing Ground Floor Plan); Kings Langley First Floor (Existing First Floor Plan).
- 2) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a Dust Management Plan (DMP). The DMP shall include best practicable means to minimise dust caused by the permitted operations and prevent emission of dust from the site. The management of dust emissions shall thereafter be carried out in accordance with the approved plans.
- 3) Prior to occupation of the development hereby permitted, the cycle and bin stores, in accordance with the approved details, shall be installed. These facilities shall be retained and maintained thereafter.
- 4) All glazing for the development hereby permitted shall achieve BS 822:2014 internal noise ambient levels, as set out in the Noise Impact Assessment dated January 2016 (approver pursuant to HPP 16/0005/FUL).

- 5) No external lighting shall be installed or affixed to any buildings on the site until there shall have been submitted to and approved in writing by the local planning authority details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.
- 6) No building operations above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority samples and details of the proposed external materials for the proposed building. No external materials other than those approved shall be used.
- 7) The materials to be used in making good the eastern flank wall of Pinnacle House, exposed as a result of the proposed development hereby permitted shall comprise of Ibstock Himley Dark brown rustic and LBC Golden buff brickwork to match the existing external walls of Pinnacle House. No other external materials shall be used on this flank wall.
- 8) Prior to occupation of the development hereby permitted, all hard landscaping works required by the approved scheme shall be carried out and completed.
- 9) Before the end of the first planting and seeding season following first occupation of any part of the buildings, or completion of the development, whichever is sooner, all soft landscaping works required by the approved scheme shall be carried out in accordance with soft landscaping plans P32382/05/06.1 REV-02 and P32382/05/06.2 REV-02. If within five years of the completion of development any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased they shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 10) Prior to occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site. The approved boundary treatment shall be erected prior to occupation in accordance with the approved details, and retained and maintained thereafter.
- 11) Prior to occupation of the development hereby permitted, the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application shall be incorporated into the development.
- 12) Prior to the occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority the details and design of electric vehicle charging points (EVCPs). All approved EVCPs shall be installed in accordance with the approved details prior to occupation of the units, and retained and maintained thereafter.
- 13) At least 3 months prior to the first occupation of the approved development, there shall have been submitted to and approved in writing

by the local planning authority a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance. The approved Travel Plan shall be implemented at all times thereafter.

- 14) Prior to the occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaces and drained in accordance with the approved plan. These areas shall be retained thereafter for that specific use.
- 15) Should they be required, a detailed scheme for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the local planning authority prior to the occupation of development. The approved scheme shall be implemented prior to occupation of any building forming part of the development, and retained thereafter.