



Appeal Decision

Site visit made on 14 January 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/A1910/W/21/3266650

44 Martindale Road, Hemel Hempstead, HP1 2QR

- 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 & Mrs Paul & Abigail Gibson & Grainger-Carr against the decision of Dacorum Borough Council.
 - The application Ref 20/02843/FUL dated 23 September 2020, was refused by notice dated 19 November 2020.
 - The development proposed is "Loft Conversion with construction of rear dormer window. Replacement pitched roof over porch. New semi-detached two-storey property, Driveway and vehicle crossover alterations".
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the appeal was submitted, a revised version of the Framework¹ has been published. Both main parties have been given the opportunity to comment on this, but no responses were received.
3. The Council submitted late evidence relating to the Chilterns Beechwoods Special Area of Conservation (SAC), in connection with recent advice provided by Natural England dated 14 March 2022 to avoid adverse impacts upon this. However, given that I am dismissing the appeal for other reasons, it has not been necessary for me to consult the appellant in respect of this matter as it would not have altered the outcome.

Main issues

4. The Council has raised no concerns regarding the proposed loft conversion, rear dormer window, new porch roof, driveway and vehicle crossover alterations.
5. Accordingly, within the context of the Council's reasons for refusal, the main issues are the effect of the development on:
 - the character and appearance of the area;
 - trees.

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2021.

Reasons

Appeal site context

6. Martindale Road consists of an almost continuous built frontage of 2-storey terraced blocks, broken up into different sections by a staggered building line that follows the slightly curved road alignment.
7. A particular feature of each terraced block section is the consistent;- (a) width of individual properties; (b) front garden depths; (c) simple gable roof form & ridgeline; (d) palette of materials; (e) chimneys; and (f) door & fenestration arrangement. Collectively, these features give the area a well-defined uniform character.
8. At the Martindale Road/Hollybush Lane junction is an open grassed area with 2 mature trees (Oak and Ash), neither of which are protected by a Tree Preservation Order. This feature helps to define the road entrance and gives the area a spacious, verdant and pleasant character. The appeal site lies directly adjacent to this and consists of No 44 Martindale Road, an end-of-terrace 2-storey dwelling ('No. 44').

Character and appearance

9. The common garden boundary adjacent to the open grassed area tapers away from the existing property at No 44, thereby increasing the width of the plot as it extends in a north-westerly direction. The gap to the side of No 44 therefore pinches at its front building line, the consequence of which is a much narrower front elevation to the proposed dwelling than exists at No 44. To maximise use of the plot as it tapers outwards, the scheme incorporates a narrow two storey side projection, set back from the front elevation. A further two storey rear projection occupies the entire width of the new dwelling.
10. Although a 2-storey rear projection with simple gable roof would not look out of place, the narrow width of the 2-storey side projection with lower ridgeline would appear awkward, contrived and wholly out of character with the prevailing simple roof forms that define the character of the area.
11. The scheme's narrower front elevation would also jar with the clear plot rhythm and urban grain of the road, which is characterised by consistent front elevation property widths within each terraced section. This is made even more noticeable by the scheme's front elevation having a lower proportion of wall to window than exists at No 44. As a consequence, it would create the impression of a development that had been tightly squeezed onto the site, wholly out of kilter with the consistent form, appearance and rhythmic character of other properties on the street. Further harm would arise from the gable of the narrow side-projection being flush with the rear projection, without any small indent between the two to break up the mass of the scheme and help define the side gable.
12. The development and its relationship with neighbouring dwellings would also be publicly visible when approaching from both directions on Martindale Road and Hollybush Lane, which would intensify its harmful impact. The use of materials to match the existing property would not overcome this harm.
13. The appellant has drawn my attention to a number of other developments that they consider to be similar to the development and which therefore help to

justify the current scheme. However, I did not consider any of these to be directly comparable to current proposal in terms of position, scale, design or character. I am also not aware of the particular circumstances where planning permission was granted and in any event, I must consider the appeal scheme on its own merits.

14. In view of the above, I conclude that the scheme would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies CS11 and CS12 of the Core Strategy², which collectively seek, amongst other things, to ensure that new development integrates with streetscape character and enhances spaces between buildings.
15. I also find that the scheme conflicts with Paragraphs 130 and 134 of the Framework, which seek, amongst other things: (a) development that is visually attractive as a result of good architecture and sympathetic to local character; and (b) schemes that maintain a strong sense of place; and (c) the refusal of development that is not well designed.

Trees

16. Although there are two trees in close proximity to the proposed dwelling, the Council and its Tree Officer accept that it can be constructed next to these without causing any harm, subject to the appellant's tree report recommendations being followed. I see no reason to disagree with this, subject to the imposition of a suitable condition requiring construction to be in accordance with the appellant's Arboricultural Impact Assessment Method Statement & Tree Protection Plan. I am also content that the construction of the dwelling to Building Regulation standards would ensure that it is not compromised by the adjacent tree root systems.
17. I do nonetheless recognise the Council's concern over the sustainability of these trees in the long-term. However, in terms of physical encroachment and associated leaf residue, I agree with the appellant that future owners of the dwelling would be able to cut back any branches that overhang the common boundary without causing any noticeable harm to the form of both specimens. I recognise that such maintenance might be viewed as inconvenient to future owners, but this situation would be clearly evident at the purchase stage and I would not consider such actions to be so cumbersome as to justify the removal of either tree.
18. The close proximity of the trees to the common boundary would result in a reduction of direct sunlight to the north-west facing rear garden of the new dwelling and its windows & doors from approximately midday onwards. For the same reason, the rear garden and windows & doors would also receive less diffuse daylight. However, I do not consider that the rear garden and internal living accommodation would become so unwelcoming, dark, prone to dampness or unusable as to warrant dismissal and agree with the appellant that some occupants may actually prefer the visual amenity benefits the trees in question would bring, along with the corresponding shade they would provide on hot days.
19. In view of the above, I conclude that the scheme would not compromise preservation of the adjacent trees in both the short and long term. The

² Core Strategy, adopted 25 September 2013, Dacorum Borough Council.

proposal would therefore accord with Policy 99 of the Local Plan³ and Policies CS11 and CS12 of the Core Strategy, which collectively seek, amongst other things, to preserve attractive streetscapes and ensure the retention & protection of trees.

20. I also find that the scheme accords with Paragraph 131 of the Framework, which seeks, amongst other things, the retention of existing trees wherever possible.

Planning balance

21. Although the Local Plan and Core Strategy are over 5 years old, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
22. Policy 99 of the Local Plan and Policies CS11 and CS12 of the Core Strategy are broadly consistent with the Framework insofar as they relate to the main issues of the case and I am satisfied that the proposal conflicts with the development plan when taken as a whole.
23. The appellant states there is a shortfall in the District's 5-year housing land supply, which is not disputed in the evidence before me. I have also noted that the delivery of housing was below the housing requirement over the previous three years⁴. The shortfall in supply means that the Framework's presumption in favour of sustainable development applies.
24. Although the scheme would be an efficient use of land, it would not maintain the area's prevailing character or result in a well-designed and attractive place. As a consequence, it would conflict with Paragraph 124 of the Framework. Furthermore, it has not been demonstrated that the constrained nature of the site could physically accommodate a dwelling that would not harm the character of the area, and as such, I do not consider it to be a suitable site within an existing settlement for a new home. On this basis, I have not given the benefits of the scheme great weight in accordance with Paragraph 69 of the Framework.
25. I do nonetheless recognise that the scheme would result in economic and social benefits from; - (a) a quickly-deliverable contribution towards the Council's 5-year housing land supply; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; (c) additional Council tax towards the provision of local public services; and (d) local employment during construction. However, given the small size of the development in terms of housing units, I consider these benefits to be of limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.
26. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

³ Dacorum Borough Local Plan 1991-2011, adopted 21 April 2004

⁴ 2021 Housing Delivery Test.

Conclusion

27. Although I have concluded that there is no harm in respect of the main issue relating to impact on trees, I am nonetheless satisfied that the harm identified in respect of the main issue relating to character and appearance is sufficient to still justify dismissal of the appeal.
28. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR