



Appeal Decision

Site visit made on 15 March 2022

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

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal Ref: APP/A1910/W/21/3266474

16 Park Road, Hemel Hempstead, HP1 1JS

- 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 Ray Added (Addelec Ltd) against the decision of Dacorum Borough Council.
 - The application Ref 20/01866/FUL, dated 6 July 2020, was refused by notice dated 21 October 2020.
 - The development proposed is described on the application form as "The development of the land at 16 Park Road to replace an existing 2-storey, 3-bedroom house with 5 new smaller dwellings."
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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 were given the opportunity to comment on this and where applicable, I have taken their responses into account.
3. The Council has confirmed that its decision was based on amended plans. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and appellant on this matter, I have proceeded to assess the scheme on the basis that the details under consideration are the Design and Access Statement, the Daylight and Sunlight Impact Assessment, the Location Plan and the following drawing numbers;-
 - 19-080-TS-01 (Topographical Survey);
 - 19-080-FP (Existing Floor Plans);
 - 19-080-EL (Existing Elevations);
 - P268_SP_01 Revision P1 (Proposed Site Plan);
 - P268_GA_01 Revision P02 (Proposed Ground Floor Layouts);
 - P268_GA_02 Revision P01 (Proposed First Floor Layout);
 - P268_GA_03 Revision P01 (Roof Plan);
 - P268_GA_04 Revision P02 (Proposed Street Elevations – North & East);
 - P268_GA_05 Revision P02 (Proposed Street Elevations – South & West);
 - P268_GA_06 (Proposed Ground Floor Area);
 - P268_GA_07 (Proposed First Floor Area);
 - P268_GA_08 (Proposed First Floor Area).

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

4. 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

5. The main issues are the effect of the development on:
 - living conditions of neighbouring occupiers;
 - the character and appearance of the area.

Reasons

Appeal site context

6. The appeal site is positioned on the corner of Park Road and Vicarage Close and contains a post-WWII detached house with private rear garden that slopes upwards in a westerly direction ('No 16'). It also consists of a separate open area of tarmac hardstanding that occupies a prominent and broadly central position in Vicarage Close, overlooked by a large number of properties ('the central open hardstanding area'). This part of the appeal site directly abuts No 16's rear garden boundary fence and is enclosed by vehicular highway on three sides.
7. Park Road consists of detached and semi-detached houses and bungalows of varying design and maturity. Vicarage Close is comprised of circa 1960s/70s terraced and detached houses, which are characterised by their consistent;- (a) individual property widths; (b) open-plan front garden depths; (c) simple gable roof forms; (d) palette of materials; and (e) door & fenestration arrangements. Collectively, these features give the area a well-defined uniform character. The central open hardstanding area also gives Vicarage Close a clear sense of spaciousness and makes a significant contribution to its character.

Living conditions

8. The appellant's Daylight and Sunlight Impact Assessment has demonstrated that the scheme would not result in any harmful loss of diffuse daylight or sunlight to neighbouring properties. I am also satisfied that there is a sufficient separation distance between the house on Plot 1 and Nos 1, 3 and 18 Vicarage Close, which would ensure that the latter do not experience a harmful loss of outlook.
9. However, by reason of the close proximity of the houses on Plots 2 and 3 to the rear garden of No 18 Park Road, their 2-storey height and rising land levels, it is my view that the development would appear visually intrusive and oppressive to the occupants of No 18 Park Road when looking out of their rear elevation windows and when using their garden.
10. In view of the above, I conclude that the scheme would be harmful to the living conditions of neighbouring occupiers at No 18 Park Road. The proposal would

therefore conflict with Policy CS12 of the Core Strategy² which seeks, amongst other things, to ensure that new development is not visually intrusive.

11. I also find that the scheme conflicts with Paragraph 130 of the Framework which seeks, amongst other things, to ensure that development creates places with a high standard of amenity for existing users.

Character and appearance

12. The terrace of houses would have a simple and unfussy modern appearance utilising materials of a similar palette to other properties on Vicarage Close. The architectural style of these properties would not therefore be harmful to the character of the area.
13. However, by reason of the house on Plot 1 being positioned on the central open hardstanding area, the scheme would obliterate the spaciousness of this part of the road which makes a significant contribution to its character. The rectangular footprint of this dwelling would also jar with the semi-circular shape of this part of the appeal site, which would exacerbate this harm.
14. The row of terraced houses would also have an extremely limited depth of set-back and garden areas in front of those elevations facing the vehicular highway, in complete contrast to the more generous setbacks and front gardens of other properties on Vicarage Close.
15. I have no objections to the manner in which the appellant has sought to address the lack of ground level amenity space. However, the short depth of front and rear gardens, together with the development's intrusive and incongruous encroachment into the central open hardstanding area, would result in a scheme that looks cramped and as if it has been squeezed onto the site, quite unlike the more spacious character of other properties on Vicarage Close.
16. The above deficiencies, when taken collectively with the identified harm to living conditions of No 18 Park Road, demonstrates to me that the scheme represents an overdevelopment of the appeal site and would therefore appear incongruous with the surrounding area.
17. 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 Strategy which collectively seek, amongst other things, to ensure that new development respects the density of an area and integrates with streetscape character.
18. I also find that the scheme conflicts with Paragraphs 130 and 134 of the Framework, which seek, amongst other things: (a) development that is 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.

Planning balance

19. Although the Core Strategy is 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

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

Framework and that due weight should be given to them according to their degree of consistency with the Framework.

20. 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.
21. The Council has confirmed there is a shortfall in the District's 5-year housing land supply. I have also noted that the delivery of housing was below the housing requirement over the previous three years³. The shortfall in supply means that the Framework's presumption in favour of sustainable development applies.
22. I do not agree with the appellant that the appeal site is a vacant, under-utilised space;- it is a private garden which provides considerable benefit to the occupiers of No 16. I do nonetheless recognise that the scheme would be an efficient use of land, but am not of the view that it would 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.
23. 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) a contribution towards the supply of new 2 and 3 bedroom homes which are noted as being in high demand; (c) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; 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.
24. The appellant states that a benefit of the scheme is that it utilises previously developed land (brownfield land). However, the Framework defines previously developed land as excluding land in built up areas such as residential gardens and land where the remains of fixed surface structure have blended into the landscape (as is the case in the scheme before me). I have not as a consequence given any weight to this as a benefit.
25. 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.

Conclusion

26. 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

³ 2021 Housing Delivery Test.