



Appeal Decision

Site visit made on 3 October 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/A1910/W/23/3314513

Land Adjacent To Cyrita, Hogpits Bottom, Flaunden HP3 0QB

- 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 Staunton BC against the decision of Dacorum Borough Council.
 - The application Ref 22/02586/FUL, dated 19 August 2022, was refused by notice dated 25 November 2022.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Staunton BC against Dacorum Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. As part of the appeal, the appellant has provided a street scene drawing that was not before the Council at the time it made its decision on the planning application. However, the Council and interested parties have had an opportunity to comment on this drawing through the appeal process and it does not change the proposal. I am satisfied that no prejudice would be caused to any party by considering this drawing.

Main Issues

4. The main issues are (i) the effect of the development on the character and appearance of the area, and (ii) its effect on the safety of users of the adjacent bridleway.

Reasons

Character and appearance

5. The appeal site is vacant of buildings and is overgrown. A length of hedges and trees stretches along most of the front boundary. A gap in the roadside vegetation allows access to a field gate onto the site as well as a public bridleway that is outside but along the side boundary. Cyrita is an adjacent 2 storey house that can be seen across the plot from the bridleway.
6. Hogpits Bottom includes dwellings on each side of the road but most are set back behind hedges and trees in front gardens. Also, there is a wide roadside grass verge in front of the houses on the same side of the highway as the

appeal site. The mature vegetation and grass verges are visually dominant in the street scene so the locality has a strong natural and semi-rural feel.

7. The houses in the row vary in design but most are low key bungalows or dwellings with upper floor accommodation in the roof space. As well as Cyrita, The Orchards is another 2 storey house on the other side of the bridleway to the appeal site but this is not easily seen as it is screened by tall hedges along the road and on the side boundary.
8. The proposed house would be concealed to a degree from the road by the vegetation to be retained to the front as well as new trees as shown on the plans. Nevertheless, it would be seen from Hogpits Bottom through the access gap onto the plot and through the access to Cyrita. However, the house would be most noticeable from the bridleway as its flank wall would be close to the side boundary. Therefore, the dwelling would have a significant visual effect within the immediate context of the site, particularly for users of the bridleway.
9. The erection of the dwelling and the residential use of the site would clearly change the nature of the plot. This domestic character would not in itself be out of keeping as the proposal would represent the continuation of a line of houses. However, the style of the proposed house would be unusual to the locality. It would be as high as Cyrita and The Orchards but the dwelling would be narrower. As such, it would have a distinct vertical emphasis, reinforced by 2 projections to the front. This would be in contrast to Cyrita that has a wider frontage and more of a horizontal emphasis, despite being 2 storeys high. Also, the proposed house would have higher eaves and would appear taller than the other houses in the row apart from Cyrita and The Orchards.
10. Furthermore, the dwelling would be close to the side boundaries of the plot and to Cyrita's flank wall. This close relationship along with the house's height and vertical emphasis would cause the development to appear less spacious than other nearby properties. The hipped roof to the sides would not prevent a perception of the house being close to Cyrita and at odds with the more open layout seen in the row of houses.
11. From the bridleway, the side wall of the proposed house would appear obtrusive and overbearing. Hedging could be provided along the site boundary without the need for planning permission and this in itself would lead to a sense of enclosure. However, the house would cause a more significant enclosing effect given its proximity to the bridleway and the height and depth of the side wall. The provision of new planting along the side boundary would not address nor overcome the marked detrimental visual effect of the development to the users of the bridleway.
12. I understand that the scheme subject of this appeal is a revision to a previous proposal that was refused planning permission. However, it does not follow that amendments result in an acceptable scheme.
13. The external materials for the house would be appropriate to the locality. The retention of the hedgerow to the front and proposed planting would ensure the development maintains the verdant local character. Also, the proposal would not reduce the width of the bridleway and a significant space would remain between the proposed dwelling and The Orchards. Nonetheless, these acceptable aspects of the scheme would not address nor overcome the detriment that would be caused to the qualities of the area due to the

uncharacteristic design of the dwelling and its proximity to the side boundaries of the plot. Moreover, the visual effects of the proposal would not be so similar to any nearby dwelling so as to justify the incongruity. In particular, the proposal's close relationship to the bridleway is not replicated by any other property.

14. For these reasons, I conclude the development would be harmful to the character and appearance of the area. In these regards, it would not accord with policies CS10, CS11 and CS12 of the Dacorum Core Strategy 2013 (CS). Amongst other things, these look to ensure development respects landscape character, enhances spaces between buildings and integrates with the streetscape. The Council's refusal reasons also refer to CS policies CS5 and CS6 but these relate to particular types of development in the Green Belt, none of which appear to apply in this case. As such, these policies are not relevant in the assessment of this main issue.

Safety of users of the bridleway

15. A new tarmac surfaced access drive would lead from the road to the gated entrance onto a parking area for 3 cars. A pedestrian zone measuring at least 1m wide would be marked out by granite setts along the drive up to the gate and so to join the remainder of the bridleway. While the demarcation is noted, it would seem unlikely that walkers, cyclists and horse riders on the bridleway would remain in the pedestrian zone given its restricted width and lack of physical constraint to movement. As such, there is a risk that users of the bridleway would share the same parts of the drive as drivers coming to and from the proposed house.
16. Car users leaving the proposed residence would have good forward visibility and clear sideward views to the bridleway. Therefore, drivers exiting the development would be able to adjust their movements so as to avoid conflict with pedestrians, cyclists and horse riders.
17. However, for drivers entering the site from Hoggpits Bottom, visibility of those on the bridleway would be restricted by roadside vegetation. It is likely that drivers would only be able to see people and animals on the bridleway once they have turned into the access. A sudden meeting between vehicles and users of the bridleway could be hazardous, particularly if horses and riders are involved who might be surprised by an unanticipated vehicle turning onto the route in front of them. In these regards, the proposed access would be unsafe.
18. The site as it stands contains no signs of a use that would generate any vehicular trips. Therefore, it is fair to expect the development is likely to generate more car movements compared to the current situation. These would lead to a greater risk of vehicles meeting bridleway users at the access.
19. The appellant suggests that the site's existing use is on pause and that this could be re-instated at any time without restrictions. However, the information before me fails to clearly explain whether any fallback position is more than a theoretical possibility in the event the appeal is dismissed. Also, there is little information to demonstrate that any authorised use of the site would generate more traffic than the proposed dwelling. Given this context I attach limited weight to the suggested fallback position in my assessment of this issue.

20. I understand that no objections have been raised by the highway authority to the proposal. Also, the Council's countryside access officer has advised that existing rights of vehicular access to the site means the proposal would not lead to additional safety risks. In light of my findings on the fallback position, the officer's comments attract little weight in my deliberations on the matter.
21. Furthermore, interested parties have raised concerns over conflict between vehicle movements associated with the proposed house and bridleway users. Also, it is claimed that the route is often used, especially as it provides a shortcut between Hogpits Bottom and the pub and church in the southern part of the village. My site visit can only provide a snapshot in time but from my observations over a short period I saw that the bridleway is used by pedestrians, dog walkers and cyclists. I also observed hoof prints in the mud to indicate the bridleway was recently used by horses. When considering the overall evidence, I am persuaded the bridleway attracts a reasonable level of usage. Therefore, the vehicular movements associated with the proposal would pose a modest but unacceptable level of risk to users of the bridleway.
22. I have considered whether the above concerns could be addressed through the imposition of a planning condition that requires the widening of the access. It seems likely that such changes would lead to the removal of roadside planting to the front of the site. The bridleway runs tight to the hedge along the side boundary of The Orchards which lies outside the defined appeal site. It would not be appropriate nor reasonable to impose a planning condition that requires cutting back this hedge as the evidence suggests it is not in the ownership of the appellant. Therefore, I am unconvinced that a planning condition could secure sufficient changes to the access to ensure drivers entering onto the drive have adequate sight of anyone on the bridleway, particularly when approaching from the direction of The Orchards.
23. For these reasons, I conclude the development would adversely affect the safety of users of the bridleway. In these regards, it would not accord with CS policies CS8 and CS12. Amongst other things, these look to ensure developments are provided with safe and satisfactory access for all users.

Other considerations and planning balance

24. The Council considers the proposal would represent limiting infilling within a village and so it would not be inappropriate development in the Green Belt. In light of the provisions of paragraph 149 of the National Planning Policy Framework (the Framework), I find no reason to disagree with the Council on this matter. Acceptability in these regards is a neutral factor in my assessment.
25. The proposal would contribute to the housing stock and the occupiers of the dwelling are likely to support the Flaunden rural community and local facilities. Also, it would make a more effective use of the site. These benefits attract modest weight as only a single new residence would be provided.
26. The Council accepts that it is unable to demonstrate in excess of 5 years' worth of housing land as required under the Framework. No information on the level of shortfall has been provided but the appellant suggests there is a pressing need for housing. Also, it is claimed that the so-called 'tilted balance' as set out under paragraph 11(d) of the Framework applies.

27. Even if this suggestion is accepted, the proposal would directly conflict with paragraphs 130(c) and 110(b) of the Framework as it would be unsympathetic to local character and would not provide a safe and suitable access for all users. Consequently, the identified detriment attracts considerable weight in my assessment. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
28. Therefore, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply. For the reasons set out under the 2 main issues, the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations in support of the proposal are of insufficient weight to justify granting planning permission contrary to the development plan.

Other Matter

29. The proposed house would be within the zone of influence surrounding the Chiltern Beechwoods Special Area for Conservation (the SAC). I am advised that the integrity of this area is being harmed as a result of public access and associated disturbance. Concern is raised that the proposal would lead to additional visits due to its proximity to the SAC.
30. I have found the development would be unacceptable for other reasons. Accordingly, there is no need for me to carry out an appropriate assessment under the terms of the Conservation of Habitats and Species Regulations 2017 (as amended) to ascertain whether the proposal would have a significant effect on the SAC. A finding that the scheme would be acceptable in these regards would not affect my overall conclusion on the appeal.

Conclusion

31. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR