



Appeal Decision

Site visit made on 27 September 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/A1910/W/22/3313055

Street Record, Chenies Court, Hemel Hempstead, Hertfordshire HP2 7JU

- 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 Ms Felicity York of Four Daughters Estates Limited against the decision of Dacorum Borough Council.
 - The application Ref 22/00897/FUL, dated 11 March 2022, was refused by notice dated 25 July 2022.
 - The development proposed is the demolition of existing 43 garages and construction of 8 one-bedroom flats in two x two story blocks. Parking for 13 cars, bin and cycle storage and associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A signed Unilateral Undertaking (UU) dated 15 September 2023 has been submitted with the appeal. The Legal Agreement commits the developer to pay financial contributions towards the Chilterns Beechwoods Special Area of Conservation (SAC). I shall return to the UU later in this decision.
3. Amended plans have been submitted with the appeal and detail the provision of obscure glazing at Site 3, a larger bin store and the removal of timber fencing at Site 2. These amendments do not fundamentally change the scheme which was considered by the Council and consulted upon. The appeal procedure has provided an opportunity for the parties to comment on the amendments and I have taken account of the comments received in determining the appeal. Therefore, I am satisfied that no party has been prejudiced or that the submission of the amended plans would amount to unreasonable behaviour.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area, including protected trees;
 - the living conditions of the occupiers of Nos 32-37 Chalfont Close (Nos 32-37) with particular regard to outlook and privacy; and,
 - highway safety with particular regard to parking displacement and the safety, convenience and accessibility of the proposed parking area.

Reasons

Character and appearance

5. Chenies Court lies in the Woodhall Farm neighbourhood. The surrounding area is characterised by a mix of house types including 2-storey detached and semi-detached properties together with three storey flatted development. Despite the varied scale of the built form and prevalence of domestic extensions to the 2-storey housing, the immediate vicinity of the appeal site exhibits a degree of regularity derived, in part from the general simplicity and uniformity of the building design and appearance, including gabled roofs. The architectural coalescence, the abundance of soft landscaping and areas of open space, create a cohesive, spacious, and verdant street scene which contributes positively to the character and appearance of the area.
6. The appeal site relates to three garage courts located within separate areas of the estate. The single storey garages occupy prominent locations and provide a visual break between the varied blocks of development and reinforce the sense of spaciousness. There are several trees located within proximity of Site 2 as indicated on the submitted plans which are collectively included within a Tree Preservation Order (TPO29). These protected trees are substantial in size and prominent within their immediate setting and make a strong and attractive contribution to the local character.
7. The overall building height, external brick finish and window proportions would not be uncharacteristic of the area and the timber fencing, at the side and rear of Sites 2 and 3 would not be too dissimilar to the existing garage court walls or indeed existing boundary treatments in the locality. However, the convoluted building design including the projecting elements and hipped roofs would be at odds with the prevailing pattern of development, jarring with its regularity and simplicity. Moreover, and notwithstanding the revised block plan (Site 2), the introduction of the 2 storey buildings in combination with the proposed fencing would read as a visual intrusion of built form, eroding the open aspect of the area and the sense of spaciousness.
8. Consequently, whilst I recognise that the proposed housing density would be lower than the existing flatted development and that the Character Appraisal does not specify any special design requirements for the Woodhall Farm area, I nevertheless find that the appeal development would read as a visually intrusive and incongruous form of development.
9. In coming to this view, I have had regard to the nearby residential schemes, and I appreciate the varied design approach accepted by the Council at the respective locations. However, the appeal site is both visually and spatially linked with the area immediately surrounding it. These other schemes do not form part of the immediate context, which is an important consideration in this case. As such, they do not persuade me that the proposal would be suitable in this location.
10. The Council indicate that the proposed outdoor space provision would be inconsistent with the requirements set out in Saved Appendix 3 of the Local Plan. Notwithstanding the technical breach, the area of outdoor space as indicated on the submitted plans would not be wholly out of character with the

surrounding area. The proposal in this regard would therefore not be detrimental to the character and appearance of the area.

11. There are several mature, well-established trees within proximity of the appeal site. The proposed development would bring built form closer to these existing trees, particularly those located on the verge of Arkely Road, to the north of Site 2 which are subject to TPO29. That said, due to the proposed building design, including the dual aspect rooms and large window openings, I do not consider that the trees would be unduly dominant or detrimental to the site and its users in terms of undue shading. As such, I am not persuaded that the proposal would lead to increased pressure to prune or fell the nearby trees, including those covered by TPO29. Accordingly, the appeal development would not be harmful to the wellbeing of the trees and thus, their contribution to local character would be unaffected.
12. For these reasons, I find that the appeal proposal would significantly harm the character and appearance of the area. It would therefore conflict with Policies CS10, CS11 and CS12 of the Dacorum's Local Planning Framework Core Strategy 2006-2031 (the Strategy) and Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011 (Local Plan) where they seek to secure high quality site design which respects the general character of the neighbourhood and preserves attractive streetscapes. It would also be inconsistent with the design objectives of the National Planning Policy Framework (the Framework).
13. The Council's decision notice alleges conflict with Policy CS8 of the Strategy. However, this policy relates to sustainable transport and my attention has not been drawn to any wording therein which relates to character and appearance. It is therefore not determinative to this main issue.

Living conditions

14. Site 3 would be located some 12 metres from the side elevation of Nos 32-37. Notwithstanding the 2-storey nature of the proposal and hipped roof, owing to the elevated position and proximity, it would be overbearing when viewed from the habitable room windows of the neighbouring flats, particularly those units located on the ground floor. This would have a dominating and enclosing effect on outlook to the detriment of the existing occupants.
15. The amended elevational drawings submitted in respect of Site 3 indicate that obscured glazing would be installed in the side windows facing Nos 32-37. These windows would also be non-opening below a height of 1.7 metres, measured from the internal floor level. Were I minded to allow the appeal, and subject to a suitable condition, I consider that these measures would be sufficient to mitigate any harmful overlooking of the neighbouring flats.
16. I note the Council's concerns regarding the proposed mitigation and whether this would provide adequate living conditions for the future occupiers of the proposed development. Although the obscure glazing would reduce daylight entering the internal living space of the proposed development, these are secondary windows. As such, and in the absence of any substantive evidence to the contrary, I am satisfied that the internal spaces would be served by adequate daylight.
17. Overall, whilst overlooking could be adequately mitigated, the appeal proposal would nevertheless have a significant adverse effect on the living conditions of

the existing occupiers of Nos 32-37 with particular regard to outlook. This would be contrary to Policy CS12 of the Strategy and Saved Appendix 3 of the Local Plan where they seek to avoid visual intrusion.

Highway safety

18. The Area Based Policies for Woodhall Farm identify that the incidence of on-street parking can be high in the neighbourhood, particularly where there are a significant proportion of flats. It has been put to me by the Council and interested parties that there is significant parking stress within the locality of the appeal site, particularly during the evenings. At the time of my site visit, in the early afternoon, I observed limited parking stress on the highway although I recognise that at other times of the day demand for parking is likely to be higher.
19. The proposal would result in the loss of 43 garages. However, the evidence confirms that the garage courts are independent of Chenies Court and are no longer use by residents for parking. As I observed at my site visit, the garage courts are in poor condition and the extent of overgrown vegetation restricts access to several of the units across the 3 sites. Further, the dimensions of the garages would no longer comply with the standards set out within the Highway Design Guide¹ and thus, it is reasonable to assume that their size would restrict their functionality having regard to current vehicle standards. The evidence is therefore not indicative that the proposal would generate additional parking stress through displacement.
20. The submitted plans indicate that 13 car parking spaces, including one disabled space would be provided to serve the proposed development. This would be more than the minimum requirements set out within the Council's Car Parking Standards Supplementary Planning Document 2020 (the SPD).
21. The parking area in this case would be detached from the proposed buildings. Nevertheless, it would be within reasonable walking distance and accessible via the existing footways which are surfaced and, despite a slight change in ground level are reasonably flat. Further, the physical relationship and proximity would not be dissimilar to the former relationship of the garage courts and Chenies Court. Taking account of the above, and whilst noting that the SPD encourages the provision of parking within the curtilage of dwellings, I do not consider that the parking area would be so remote that the future occupiers of the development, including those with disabilities or mobility issues would be less likely or indeed unable to utilise the dedicated resident parking. Therefore, even if I were to accept the Council's submissions regarding the adequacy of the parking standards survey the evidence does not persuade me that the appeal proposal would exacerbate parking stress and congestion in the area.
22. For these reasons, I find that the proposed development would not adversely affect highway safety with particular regard to parking displacement and the safety, convenience and accessibility of the proposed parking. It would therefore accord with Policies CS8 and CS12 of the Strategy and Saved Policies 51, 54 and 58 of the Local Plan. Amongst other aspects, these policies require all new developments to provide sufficient, safe, and convenient parking and ensure good access for people with disabilities whilst also ensuring that the highway network can accommodate the traffic generated by the proposal. It

¹ Roads in Hertfordshire: Highway Design Guide

would also be consistent with the SPD in so far as it would provide sufficient parking for the proposed residential units.

Other Matters

23. The appeal site lies within the Zone of Influence for the Chilterns Beechwoods Special Area of Conservation (SAC). In responding to the planning application Natural England indicate that new housing within 12.6km of the SAC has the potential to adversely affect the integrity of the designated site through increased recreational pressure. Mitigation measures are therefore required to make the development acceptable and avoid an adverse effect on the integrity of the designated site. A UU has been submitted in relation to this. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision. In any case, even if the UU were to adequately mitigate any harm, this would be a neutral factor.
24. The proposed flats would have open plan living accommodation and would meet the minimum internal space standards. Further, the revised site plan indicates that the bin store would serve both the existing and proposed residential development. These however are neutral factors.

Planning Balance and Conclusion

25. The principle of residential development in this location would be supported by policy. It would make use of urban land, providing residential accommodation in an accessible location which could be developed quickly, thereby maximising the schemes contribution to the supply of housing. In addition, it would support the construction industry in the short term and potentially increase the number of economically active residents in the area in the longer term. This in turn would contribute to the local economy and the viability of local services and facilities. Given the limited scale of the proposed development, I attribute the economic and social benefits moderate weight.
26. As set out above, I have found that the proposal would significantly harm the character and appearance of the area and the living conditions of existing occupiers. The Framework seeks to secure the creation of high-quality buildings and well-designed places. In addition, it seeks to maintain adequate standards of amenity for existing occupiers. Policies CS10, CS11 and CS12 of the Strategy together with Saved Appendix 3 of the Local Plan are broadly consistent with the Framework in this regard and therefore the conflict with these policies is afforded significant weight in my decision. The proposed development is therefore contrary to the development plan as a whole.
27. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11 of the Framework is engaged. Notwithstanding the Framework's desire to significantly boost the supply of housing and the Council's housing land supply position, the benefits associated with the proposed development would be moderate. Consequently, the adverse impact on the character and appearance of the area and living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development as set out at paragraph 11 d) does not apply.

28. Accordingly, the appeal proposal would conflict with the development plan as whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. The appeal is therefore dismissed.

H Wilkinson

INSPECTOR