
Appeal Decision

Site visit made on 9 April 2024

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 April 2024

Appeal Ref: APP/A1910/W/23/3325819

39 Crouchfield, Hemel Hempstead, Herts HP1 1PA

- 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 Mrs D Murray against the decision of Dacorum Borough Council.
 - The application Ref 22/03228/FUL, dated 26 October 2022, was refused by notice dated 2 February 2023.
 - The development proposed is a detached two-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether suitable mitigation has been ensured to prevent unacceptable effects on a protected site
 - The effects of the proposal on the character of the area and neighbours
 - The effects of the proposal in relation to car parking

Reasons

Whether suitable mitigation has been ensured to prevent unacceptable effects on a protected site

3. The appeal site is within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). Appropriate mitigation needs to be secured to offset the recreational pressures and potential adverse effects of new development to the CBSAC. The Council states that they have worked with Natural England and other relevant partners to agree a mitigation strategy. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.
4. The proposed development would be likely to give rise to additional recreational pressure on the CBSAC. If planning permission were to be granted, mitigation would need to be secured, prior to permission being granted. This would normally be done by means of a Planning Obligation. The appellant states that she acknowledges and accepts the responsibility of making the necessary financial contributions to the Chilterns Beechwood

Special Area of Conservation. However, the appellant has not submitted any means by which an appropriate level of mitigation can be secured. The 'Procedural Guide: Planning appeals – England' states that completed Planning Obligations for written representations appeals should be submitted early in the appeal procedure. In addition, the Planning Practice Guidance states that, no payment of money or other consideration can be positively required when granting planning permission and that planning permission should not be granted subject to a positively worded condition that requires the applicant to enter into a planning obligation. Therefore, and contrary to the possible implication within the Council's statement, it would not be appropriate to allow an appeal subject to a requirement that a Planning Obligation is submitted at some point in the future, in this case. Consequently, in the absence of any such assurance, I conclude that the appeal would be likely to have an unacceptable effect in the integrity of the CBSAC when considered in combination with other projects. This is contrary to Policy CS26 of the Council's Core Strategy.

The effects of the proposal on the character of the area and neighbours

5. The appeal relates to part of the plot of this 2 storey, semi-detached house, which is set within a residential area. The area contains a number of similar semi-detached and terraced houses, as well as a number of detached houses and chalet-style bungalows. The house is set at a slight angle on the plot, which widens at the rear. A public footpath runs to one side of the property.
6. The proposal seeks approval to provide a separate plot of a triangular shape and construct a detached, 2-storey house, with pedestrian access from the public footpath. The plot itself would appear small in comparison to most others in the area. The front section would comprise a small triangle, the house would be very close to the boundaries and the rear area would be small also.
7. The house would be set mainly to the rear of No 39, although partially to its side. This relationship would be visible from the street and to users of the public footpath. I consider that the proposal would appear out of place in this area where the great majority of dwellings are set within a plot which addresses the street and runs to the rear. The proposed position of the house and its siting very close to No 39 would mean that it would have a visually awkward relationship which would have a negative effect on the street-scene and character of the area. Additionally, the small and awkward plot size and configuration would fail to harmonise with the surrounding area.
8. The very close proximity of the proposed house to the boundary of No 39 and its projection beyond its rear wall would mean that the new house would be readily visible from the garden and some rooms within No 39. I consider that it would appear significantly overbearing when viewed from the garden at No 39. In addition, it would appear dominant from the nearest rooms which I consider would also be likely to suffer a loss of light as a consequence of the proposal. In relation to the property on the opposite side of the footpath, No 41, whilst it would be further away, I still consider that the proposal would appear overbearing from parts of this property, although not as significantly as at No 39. In this way, the proposal would have an unacceptable effect on neighbouring residents, contrary to Policies CS10, CS11 and CS12 of the CS.

9. The appellant has drawn my attention to a number of other developments within the area and seeks to draw comparisons with them, in support of the appeal. The Council has responded in a detailed manner to each of these examples. As a principle, I agree with the appellant that a new proposal need not slavishly follow the type and pattern of existing development in order to be acceptable. However, a new proposal should harmonise with an existing area and not bring with it unacceptable effects generally or on close neighbours. I have examined the examples set out and find that each one is different to the appeal scheme, either in terms of its layout, its proximity to other buildings, the plot size or other matters. The appellant wishes me to ignore such matters of detail and examine the principle; however, it is the detail that makes these examples different and, in the case of this appeal, much of what makes it unacceptable.

Car Parking

10. The proposal does not make provision for any off-street car parking.
11. Policy CS8 of the CS states that new development should provide sufficient parking based on parking standards and Policy CS12 states that development should provide sufficient parking and sufficient space for servicing. The Council's Parking Standards Supplementary Planning Document (SPD) sets out the use of parking standards, appropriate to different locations. The Council will normally require an on-site provision but that certain exceptions may be accepted, one being where suitable evidence is provided to justify no on-site provision.
12. Many dwellings to the north along Crouchfield do not have off-street parking and parking takes place on street, where there are no restrictions. A number of houses to the south-west do have off-street parking, although there was still some on-street parking at the time of my visit. One of those exceptions to the Council's normal approach, set out in the SPD, relates to the submission of an on-street parking stress survey (undertaken in accordance with the specification provided in Appendix C). An appraisal was submitted in support of the application. The Council states that it complies with its requirements but only provides one survey instead of the two stated in the SPD. The survey states that there were 94 on-street car parking spaces available within the survey area which covered a 2 minute walk from the site. It recorded 48 parked cars within this area leaving 46 spare car parking spaces. Assuming the proposed dwelling adds a further 2 cars to the on-street parking total there would still be 44 spare car parking spaces. Whilst I accept that the Council's normal requirement of 2 surveys was not provided, the submitted survey indicates a considerable capacity to absorb additional cars.
13. The National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. I consider that the evidence before me indicates that the proposal would not have any such effect. Therefore, I find no conflict with Policies CS8 and CS12 of the CS.

Planning Balance and Conclusions

14. The proposed development would provide one new home and I attach some weight to this although it must be limited by the very small scale of the

proposal. I have also taken account of the general need for smaller units, as set out by the appellant.

15. The Council cannot demonstrate a 5-year supply of deliverable housing sites. In accordance with the provisions of the Framework, this means that policies which are most important for determining the appeal are out-of-date, and the proposal should be considered in the context of the presumption in favour of sustainable development as set out in the Framework; the so-called tilted balance in paragraph 11d)ii is engaged. I have identified considerable environmental harm in relation to the development of the proposal as a result in the likely harm to a protected site and to the character of the area and on neighbours. As a result of the harm identified, I consider that the proposal would give rise to harm which significantly and demonstrably outweighs its benefits when assessed against the policies in the Framework as a whole.
16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal conflicts with the development plan when read as a whole. Given that on the basis of the planning balance it would not be sustainable development, there are no material considerations warranting a decision other than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

T Wood

INSPECTOR