



Appeal Decision

Site visit made on 30 April 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/A1910/W/23/3331301

Land behind 23-26 Brook Street, Tring HP23 5ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by C/o Hounsfield Developments Ltd Hounsfield Developments Ltd (Hounsfield Developments Ltd) against the decision of Dacorum Borough Council.
 - The application Ref is 23/01357/FUL.
 - The development proposed is described as change the lawn area to the rear of 23-26 Brook Street to hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that the development has been completed. This correlates with my observations on-site, and I have considered the appeal on this basis.
3. Albeit a snap-shot in time, during my site visit, a car was observed to be parked on part of the hardstanding subject of this appeal. However, neither the description of the development nor the submitted plans specify a proposed use for the development. As such, the use of the land is not considered as part of this decision.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 23-26 Brook Street, with particular regard to outlook.

Reasons

Character and appearance

5. The trees, shrubs, and areas of greenspace that are close to the appeal site make a significant contribution to the verdancy and quality of the otherwise largely built-up area.
6. The appeal site is fairly well enclosed by existing buildings and structures. However, through metal gates on the private drive (the drive) next to the 3-storey building at numbers 23-26 Brook Street (numbers 23-26), parts of the

development can be seen from sections of the public footpath and the publicly accessible greenspace.

7. A single-storey building adjacent to the development provides a clear visual and physical backstop in the publicly accessible views along the drive. In views between the pavement and the single-storey building, areas of soft landscaping that are characteristic of the area are not readily visible. Instead, together with the drive and the other parts of the appeal site that can be seen in such views, the development forms part of a sizable area of hardstanding, which has a bland and uninteresting appearance.
8. Therefore, albeit to a limited extent, the development is harmful to the character and appearance of the area. Consequently, and insofar as it relates to this main issue, the development conflicts with policies CS11, CS12, and CS13 of the Dacorum Borough Council Core Strategy 2006-2031¹ (the Core Strategy) and policy 100 of the Dacorum Borough Local Plan 1991-2011 adopted 2004. Collectively, these policies seek to ensure that new developments integrate with the street scene character and contribute to the quality of the public realm, by, amongst other things, incorporating suitable trees, living walls, and soft landscaping.

Living conditions

9. I have no reason to doubt that the hardstanding subject of this appeal is visible by occupiers of numbers 23-26 through rear-facing windows within the upper floors of their houses. However, the outlook from these windows also includes the gardens immediately to the rear of these houses; the planted embankment that forms part of the appeal site; and trees that are nestled between and beyond nearby buildings. As such, and even when considered in combination with the other areas of hardstanding on the appeal site, the appeal scheme forms a small and non-visually intrusive part of the outlook from these windows.
10. For these reasons, the development does not cause harm to the living conditions of the occupiers of numbers 23-26 Brook Street, with particular regard to outlook. Consequently, in respect of this main issue, the development complies with policy CS12, which, amongst other things, requires development to avoid visual intrusion.

Other matters

11. Even if the recreational space and playing fields at Mortimer Hill, and the private gardens at numbers 23-26, provide adequate outdoor amenity and recreational spaces to meet the needs of the occupiers of these properties, this is a neutral consideration.
12. The evidence indicates that the planning permission granted for the 4 houses at numbers 23-26, included a requirement for the provision of a grassed community amenity area in the location of the development subject of this appeal. Therefore, even if I concluded that the appearance of the appeal site represents an improvement from when the land formed part of what is described by the appellant as a wasteland overflow car park, very little weight can be accorded to this consideration.

¹ Dacorum Borough Council Core Strategy 2006-2031 Adopted 25 September 2013 – Dacorum's Local Planning Framework

13. The appeal site is close to the Grade II listed Silk Mill, which comprises a complex of structures, which were formerly part of a silk textile mill. The significance of the Silk Mill stems, in part, from; its historic fabric comprising a series of industrial, warehouse, and accommodation buildings; its historic employment use; and, its cultural value, having been referenced within a George Elliot novel. Having historically been both a significant employer and requiring a source of water, some of the nearby older housing and the mill pond, form part of the setting of the heritage asset and make a positive contribution to its significance.
14. There are intervening buildings between the appeal site and the Silk Mill. Moreover, the development has not required alterations to be made to either the buildings forming part of the heritage asset, or to those older houses or the mill pond which are within its setting. As such, and given the modest nature of the appeal scheme, the development preserves the significance of the heritage asset.
15. The appeal site is within the zone of influence of the Chiltern Beechwoods Special Area of Conservation. However, there is no need to consider the effects of the development on this protected area because the scheme is unacceptable for other reasons.

Conclusion

16. I have found that the development is harmful to the character and appearance of the area. While, with particular regard to outlook, I have also found that it has not caused harm to the living conditions of numbers 23-26, this is a neutral consideration.
17. The development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR