



Appeal Decision

Site visit made on 29 July 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/A1910/W/24/3338951

23 Howards Drive, Hemel Hempstead, Hertfordshire HP1 3NE

- 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 Mr Pack against the decision of Dacorum Borough Council.
 - The application Ref is 23/02606/FUL.
 - The development proposed is New dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's title was omitted from the application form. Therefore, the title of the appellant in the banner heading is taken from the appeal form.
3. As part of their submission, the appellant has provided amended drawings, which indicate elevational changes to the proposed dwelling and altered parking arrangements. The revised plans seek to address the Council's concerns about the size of the proposed external amenity space. However, the guidance set out in the Procedural Guide: Planning Appeals – England (Updated 11 January 2024) is clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. Therefore, in the interests of fairness, I have not had regard to the amended plans.
4. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that, before deciding to give permission for a plan or project which is likely to have a significant effect on a European site, the competent authority must make an appropriate assessment of the implications of the plan or project on its conservation objectives. As the competent authority in the determination of this appeal, I have had regard to this duty and will return to this matter later in my decision.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
 - whether the proposed development would provide an adequate standard of accommodation for future occupiers, with particular regard to the outdoor amenity space.

Reasons

Character and appearance

6. The area around the appeal site is characterised by terraced rows of two-storey dwellings. There is a degree of variety and some staggering in the building lines in the area. However, notwithstanding some projecting front features, the terraces either side of the appeal site on Howards Drive are set well back from the highway and have a strong, linear character that is a distinctive feature of the area. The absence of buildings on the driveway area of the host property allows the site to contribute to the long and wide views that are available along this part of Howards Drive. This creates a sense of spaciousness that prevails despite the tightly packed nature of the surrounding development.
7. The new dwelling would largely reflect local character in terms of its height, width, form, and appearance; and it would occupy a similar proportion of the plot to neighbouring dwellings. However, whilst it would be marginally set back from the Howards Drive frontage, the side elevation of the dwelling would project significantly forward of the terraces at 1-21 Howards Drive and 25-35 Howards Drive. It would therefore disrupt the linear character that is a distinctive feature of the area, and would fail to respect the prevailing pattern of development. Accordingly, there would be conflict with the approach to development set out in the Area Based Policies Supplementary Planning Guidance (May 2004) for the Gadebridge area of Hemel Hempstead, which is to maintain the defined character.
8. At two-storeys high, and given its width, bulk, and side building line, the development would be a prominent feature in the street scene. Therefore, notwithstanding its distance from Nos 21 and 25, the new dwelling would disrupt the long and wide views that can currently be gained along this part of the road between Galley Hill and Fennycroft Road. Consequently, the proposal would detract from the sense of space near to the appeal site, which is an important feature in the local character.
9. I have had regard to other extensions and dwellings that have been erected in the local area, which I observed on my site visit. I do not have sufficient information before me to be certain of the full circumstances that led to those developments becoming established. However, from my observations, none of the properties to which I have been directed interrupt the existing long views along Howards Drive to the same degree as the appeal scheme would. Indeed, given the staggered alignment and orientation of dwellings on the northeast side of Howards Drive, the developments on the corners of Robbs Close and Raybarn Road do not have an unduly harmful effect on the open width of the street. Moreover, owing to their location at the end of Howards Drive, the dwellings at the junctions with Fennycroft Road and Galley Hill have a very localised impact on longer views along the road.
10. I acknowledge that some existing properties, including 37 and 39 Howards Drive do project forward of neighbouring dwellings and are sited very close to the highway boundary. However, the visual effect of these developments is softened by the alignment of the road at No 37, and the open space in front of No 39. Nevertheless, these developments do not reflect the prevailing character of development in the area, and they reinforce my concerns as to the effect of the proposal on the street scene.

11. I have also been referred to other properties in the local area that have been built close to the highway boundary, including on Middleknights Hill. However, these developments are not sited on Howards Drive and, therefore, are not directly comparable to the appeal scheme.
12. Taking all of the above into account, I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policies CS11 and CS12 of the Core Strategy 2006-2031 (Adopted 25 September 2013) (CS) which, amongst other things, expect development to enhance spaces between buildings and general character, and to integrate with the streetscape character. There would also be conflict with the National Planning Policy Framework (the Framework) insofar as it expects developments to be well-designed and sympathetic to local character.

Standard of accommodation

13. Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011 Written Statement (Adopted 21 April 2004) (LP) states that private gardens should have a minimum depth of 11.5m. It also allows for a reduced rear garden depth in certain circumstances, including infill developments where the garden depths are below 11.5m but of equal depth to adjoining properties. It goes on to state that all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.
14. I have also been referred to the Dacorum Strategic Design Guide Part 2: Design Principles Supplementary Planning Document (February 2021) (SPD), which post-dates the LP but does not form part of the development plan. The SPD does not specify garden size, but states that designs should demonstrate a range of outdoor amenity space that is appropriate to the typology and density, relates directly to the living environment and offers opportunities for extended seasonal use.
15. Taken together, the LP and the SPD set out a clear expectation that development proposals will provide appropriate outdoor amenity space that is functional for future users.
16. The appeal proposal includes external space to the rear of the dwelling, which in totality would be of a similar size to neighbouring rear garden areas. However, a large proportion of the external space would be used for vehicle parking. I acknowledge that there may be times of the day or night when the car parking space would not be occupied. However, this could not be guaranteed. Therefore, the car parking area and associated hardstanding could not be relied upon in terms of providing private outdoor amenity space for future occupants of the new dwelling.
17. Whilst the proposed property would be of a modest size, it could feasibly house a small family who would typically expect to carry out a range of activities outdoors, including socialising, gardening, dining, and drying clothes, amongst other things. Due to the narrow width and shallow depth of the proposed useable external amenity area, there would be insufficient private outside space to cater for these needs. The rear garden area would therefore be too small to meet the functional needs of future occupants.
18. I recognise that rear extensions could potentially reduce the size of existing rear gardens; and some may already have been altered. However, I have not

been directed to any specific examples in the local area where the functional outdoor amenity space is comparable to the appeal scheme by way of its small size. Furthermore, whilst there is some nearby public open space, the evidence does not persuade me that this would provide for the full needs of future occupants of the proposed dwelling. Therefore, it would not compensate for the inadequacy of the proposed private outdoor space.

19. I conclude that the proposed development would provide an inadequate standard of accommodation for future occupiers, with particular regard to the outdoor amenity space. It would therefore be in conflict with the guidance set out in Appendix 3 of the LP, the SPD, and the Framework which, taken together, require developments to provide appropriate, functional outdoor amenity space and a high standard of amenity for future users.

Other Matters

20. The appeal site lies within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (SAC), which is a European site as defined by the Habitats Regulations. I note that the appellant is willing to provide a financial contribution to mitigate the effects of the development on the SAC, although I have not been provided with a completed legal agreement or unilateral undertaking to secure this through the appeal. However, as I am dismissing the appeal for other reasons, it is not necessary for me to undertake an appropriate assessment or to consider this matter further.

Planning Balance

21. In its Officer's Report, the Council concedes that it cannot demonstrate a five-year supply of housing as required by the Framework. I do not have sufficient information before me to be definitive about the size of the shortfall. However, the appellant calculates the supply to be 3.2 years at most, and this has not been disputed by the Council. This represents a sizeable shortfall. In these circumstances, paragraph 11(d)(ii) of the Framework is engaged.
22. I have found harm would arise to the character and appearance of the area, and that there would be an inadequate standard of accommodation for future occupiers, given the insufficient outdoor amenity space. These harms would be long-lasting and as such I ascribe them significant weight.
23. The most important policies for determining the application are CS11 and CS12 of the CS. Amongst other things, these policies seek to ensure that developments respect and integrate with the character of the area. They are therefore broadly consistent with the Framework insofar as it expects development to be sympathetic to local character. Therefore, I see no reason to reduce the weight given to the conflict with Policies CS11 and CS12. The Framework also requires development to deliver high-quality design that offers a high standard of amenity for future users. Therefore, I do not reduce the weight I attach to the need to ensure the provision of adequate private outdoor amenity space.
24. There would be some social and economic benefits arising from the proposal in its construction and subsequent occupation, including the delivery of an additional dwelling. This would help to optimise the contribution the appeal site makes towards housing supply. Some jobs would be created during the construction phase, and future occupants would support the vitality of local

- shops and services through increased spending. The additional population would also increase social interaction in the local community.
25. Environmentally, it is proposed that the development would be built to current building regulation standards, and opportunities could arise for the use of renewable energy sources which would help to mitigate climate change effects.
26. However, the contribution that would be made to housing supply by a single dwelling would be modest, as would its associated benefits. I therefore attach moderate weight to these benefits.
27. The appeal site is located in an established residential area, with access via sustainable modes to retail outlets on Galley Hill and the services and facilities in Hemel Hempstead. Additionally, no harm has been identified in respect of the living conditions of neighbours or highway safety. The absence of harm weighs neither for nor against the proposal.
28. Consequently, and with regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply.

Conclusion

29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

E Catchside

INSPECTOR