

Appeal Decision

Site visit made on 4 September 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal Ref: APP/A1910/W/24/3343926

16 Park Road, Hemel Hempstead, Hertfordshire HP1 1JS

- 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 Ray Adde against the decision of Dacorum Borough Council.
 - The application Ref is 24/00484/FUL.
 - The development proposed is change of use of private hard standing into private green space and erection of new fence line.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs against the Council is the subject of a separate decision.

Preliminary Matters

3. The proposed development is described as including the erection of a new fence line. The plans and evidence are clear that a hedge is proposed and I have determined the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed development on;
 - the character and appearance of the area;
 - the provision of sustainable transport options, and;
 - levels of privacy for occupants of the appeal site.

Reasons

Character and appearance

5. The appeal site comprises a detached dwelling located alongside the entrance to Vicarage Close (the Close) and an area of hardstanding to the rear (the hardstanding). The Close is situated between Park Road and Heath Lane but its roadway is staggered, providing no vehicular through-route or

direct line of sight between those two roads. This creates a quiet, self-contained, residential environment within the Close.

6. Homes in the Close face out onto its central area. Frontages are largely given over to off-street parking and simple landscaping but are well-kept and do not include fences or walls. This gives a pleasant, open, and communal feel to the public areas. The hardstanding is undecorative and devoid of landscaping but is tidy and clean and does not detract from the setting, therefore. It is not built on or enclosed and, as such, it adheres and contributes to the openness of the Close.
7. The appeal proposal would change the use of the hardstanding, incorporating it within the residential curtilage of the appeal site dwelling. It would enclose the area with a new boundary hedge of similar height to the current garden fence, leaving the outermost edge as a footpath. Whilst tall hedges are reasonably common in the wider area, they are not a feature of the Close. As such, even if the hedge was attractive and well-maintained it would appear incongruous in the immediate setting. Moreover, and irrespective of the extent to which the hardstanding is used for parking, social events, and children's play, enclosing it as proposed would harmfully erode the openness of the Close and undermine the communal character of its central area.
8. For the reasons set out above the appeal proposal would be harmfully at odds with the character and appearance of the area and, as such, conflict with Policies CS11 (c) and CS12 (f) and (g) of the Core Strategy 2013 (the Core Strategy) and saved appendix 3 of the Local Plan 2004, where they require development to integrate into the surrounding streetscape character and design, along with the similar aims of the National Planning Policy Framework (the NPPF).

Transport

9. The hardstanding is owned by the appellant, but rights exist to use it for public highway purposes. Hertfordshire County Council, the Highways Authority, did not support the application nor cede their rights over the land, as either would prohibit opportunities for future provision of safe or sustainable modes of travel such as bike hubs and electric charging points.
10. Policy 1 of Hertfordshire's Local Transport Plan 2018 (the Transport Plan) sets out an overarching aim of prioritising opportunities to reduce travel demand and the need to travel. The supporting text states that considering the needs of more sustainable forms of transport is part of this highest strategic priority. Policy 5(a) requires development proposals to reflect the aims of Policy 1, and Policy 7 seeks to encourage and promote walking by delivering infrastructure to provide safer access to key services. The Transport Plan is supplementary guidance and, as such, does not carry the full weight of an adopted development plan policy. I note that the Council have not cited conflict with a development plan policy in their reason for refusal. Nevertheless, the Transport Plan aims to promote sustainable forms of transport, which is strongly in accordance with the aims of the NPPF. As such, I attribute significant weight to it.

11. There is no suggestion of any specific or current intention on the part of the Highways Authority to make use of the hardstanding. Nevertheless, the appeal site is near enough to the centre of Hemel Hempstead that, in terms of broad principles, the prospect of using it to support a public cycle hire facility or provide park-and-walk electric vehicle charging points would be feasible. The hardstanding is large enough to offer a range of options in these, or similar, respects and, critically, is land over which the Highway Authority already has rights; this significantly enhances the prospect of sustainable transport facilities being provided there. Any such facilities would likely be modest in size, and not erode the open character of the Close to an extent comparable to the appeal proposal.
12. In all, the proposed development would frustrate an otherwise feasible opportunity to provide sustainable transport options in future. As such it would harmfully undermine the aims of the Transport Plan as set out in Policies 1, 5, and 7, and also conflict with the aims of the NPPF to promote sustainable transport options.

Privacy

13. The proposal incorporates a new boundary of mature shrubs, enclosing what would become part of an enlarged rear garden to the appeal property. The existing close-boarded fence between the hardstanding and the garden would be removed. Should a suitable means of enclosure not be provided, both the enlarged rear garden and the rear doors and windows of the appeal property would be directly overlooked over a short distance from the public highway, which is on higher ground. This would significantly erode levels of privacy at the appeal site, both inside the rear, ground floor parts of the appeal property, and in the rear garden.
14. That any living hedge is potentially susceptible to seasonal weather, ill-health and non-uniform growth does not prevent the common use of garden hedges to mark domestic boundaries. Even so, the appeal proposal would require the planting of a continuous line of new shrubs, sufficiently tall, dense, and close together to immediately prevent views into the site without undermining the health of the planting through overcrowding. It would also require breaking out parts of the existing hardstanding, and treatment of the ground beneath, which may have become compacted, for the planting to survive. Whilst the species, number, and location of new shrubs could be agreed via planning condition, I have no evidence that a newly planted boundary could function adequately in these circumstances. A wire fence, by its nature, would not block views into the site and, as such, would not be an appropriate solution.
15. The proposed boundary planting has not been shown to be reliable in ensuring adequate levels of privacy for occupants of the appeal site and, as such, would not comply with that aim of Policy CS12 of the Core Strategy, or with the similar aims of saved appendix 3 of the Local Plan 2004, and of the NPPF.

Planning Balance

16. The proposal would retain a kerb some 1.2m wide at its narrowest and, as such, provide a safe walkway for pedestrians. Given the hardstanding

already offers a larger, safe walkway, I attribute minimal weight to this benefit. The appeal site garden would become larger, and if laid to lawn or planted would, in conjunction with the proposed shrub boundary, provide greater opportunities for increased biodiversity. Given the modest scale of the proposals, I attribute minor weight to these benefits. Notwithstanding the effect on the open character and appearance of the area, the proposed shrub boundary would likely be visually attractive. Given the tidy appearance of the site as it exists, that is a minor benefit. In all, the scheme benefits would be minor, and not capable of outweighing the harms identified above.

Conclusion

17. 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 those plans. The appeal should be dismissed.

A Knight

INSPECTOR