



Appeal Decision

Site visit made on 4 September 2024

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2024

Appeal Ref: APP/A1910/W/23/3328678

Land adj Cyrita, Hoggits Bottom, Flaunden HP3 0QB

- 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 Staunton BC against the decision of Dacorum Borough Council.
 - The application Ref is 23/00413/FUL.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A completed planning obligation, dated 31 August 2023 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted which sought to mitigate the effect of the proposed development on the Chiltern Beechwoods Special Area of Conservation (SAC). I will return to these matters in due course.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the integrity of the Chilterns Beechwoods SAC.

Reasons

Character and Appearance

4. The appeal site lies within a residential area predominantly characterised by large dwellings in substantial plots. The site lies within a row of residential properties set back from the road generally with landscaped front boundaries. There is a wide verge to the front of the site, common to all of the properties on this side of the road. The area has an attractive rural character and appearance.
5. The site was undeveloped and overgrown at the time of my site visit with its boundaries formed by hedgerows. It is wider to the road frontage, then narrows on account of a public footpath immediately adjacent to one side.

6. The limited width of the plot for the majority of its length is incongruous with nearby developed plots which are generally wider and regular in shape. Although the proposed dwelling would be set in somewhat from the side boundaries, it would nonetheless occupy much of its width. While other properties in the locality also do this, the fact those plots are wider maintains the spacious character of the area. The narrow width of the plot would be made apparent by the proposed dwelling occupying much of its width despite being markedly smaller than the surrounding dwellings.
7. The overall limited proportions of the proposed dwelling would also emphasise the contrast between the appeal proposal and the prevailing character of the surrounding area of much larger dwellings and plots. It would appear as a cramped addition in the street scene.
8. The appellant has analysed the size of surrounding plots and dwellings to assess the proportion of each plot covered by development. While this shows the proposal would be broadly consistent with the proportion of site coverage in the surrounding area, it does not address the matter of the proportions of the plot in comparison with those in the surrounding area.
9. The proposed dwelling would have a modern appearance with the large glazed front elevation and a triangular window at first floor level. At my site visit, I observed a number of different designs and appearances of dwellings. This included some with modern finishes and large expanses of glazing. The installation of the vehicular access would require the removal of some of the hedgerow. However, suitable landscaping along the front boundary could be secured by condition. Taken in isolation of the issues I have identified above, the design and scale of the proposal would be acceptable. However this is to be expected of well-designed development and would be neutral in my assessment.
10. Given the above, I conclude that the proposal would have an adverse effect on the character and appearance of the area. It would be contrary to Dacorum Core Strategy (2013) (DCS) Policies CS10, CS11 and CS12 which taken together and insofar as they relate to this appeal, require development to respect the character of the area and integrate with the street scape. This is consistent with the advice in section 12 of the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.
11. DCS Policies CS5 and CS6 do not require special consideration of the appearance of the Green Belt in Flaunden, nor does national policy as set out in the Framework.

Chiltern Beechwoods SAC

12. The SAC represents the most extensive area of native beech woodland in England. It extends for 1,276.5ha and is made up of nine separate sites across the Chilterns, each of which is a separate Site of Special Scientific Interest (SSSI). This proposal has the potential to affect the Ashridge Commons and Woods SSSI component of the SAC.
13. The qualifying features for which the SAC is designated are its beech forests on neutral to rich soils, dry grasslands and scrublands on chalk or limestone

(albeit this has a restricted distribution through the SAC) and populations of stag beetle.

14. The SAC and its qualifying features are at risk from recreational disturbance which can give rise to a range of effects including damage from vegetation wear, soil compaction, erosion, removal of deadwood, vandalism, contamination from dog fouling, litter, invasive species, increased fire incidence, harvesting, damage to visitor infrastructure, challenges to achieving grazing and changes to public perception. Growth within 12.6km of the SAC will likely result in an increase in visitors and use of the site. The proposed development would, in combination with other residential development, have a likely significant effect on the integrity of the SAC as a result of the increased population and associated activity which would give rise to the above effects. In these circumstances, the Conservation of Habitats and Species Regulations 2017 (as amended) (habitats regulations) require me to undertake an Appropriate Assessment (AA) of the implications of the proposed development for the SAC in view of its conservation objectives before deciding to grant permission.
15. Strategic mitigation measures to address these effects are set out in the 'Chilterns Beechwoods Special Area of Conservation Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest' (mitigation strategy) and comprise two separate elements. Strategic Access Management and Monitoring (SAMMS) involves access management and engagement work wholly within the boundary of the SAC and is achieved via a per dwelling tariff based contribution. Suitable Alternative Natural Greenspace (SANG) involves the provision of alternative recreation opportunities away from the SAC. The mitigation strategy sets out the circumstances in which the Council will not allocate capacity within its Strategic SANG sites. This includes where the Council has refused permission for a proposal.
16. Natural England, in its role as the Statutory Nature Conservation Body, has confirmed that it has no objection to the proposal. However, this is subject to the appropriate contributions for SAMMS and SANG being secured.
17. The submitted planning obligation is a unilateral undertaking so it does not bind the actions of the Council with respect to how they would use the contributions. The Council's comments reaffirm the position of the mitigation strategy that the offer of SANG is at their discretion. They do not confirm that the Council would make SANG capacity available to this development. Adopting the precautionary principle, I cannot be certain that the SANG contribution would be put to that purpose. There is no evidence before me to allow me to demonstrate that there are not alternative solutions to deliver new housing that would have a lesser effect on the features of the site in question, that there are imperative reasons of overriding public interest to permit what is proposed or that there would be compensatory measures that would offset the harm.
18. I therefore cannot conclude that the proposed development would not have an adverse effect on the integrity of the SAC. Consequently, the proposed development would be contrary to DCS Policy CS26, the Habitats Regulations

and, insofar as it relates to habitats sites, Section 15 of the Framework which, taken together, require all impacts on habitats sites to be mitigated.

Other Matters

19. The site lies within the Metropolitan Green Belt and DCS Policy CS5 confirms that national Green Belt policy will be applied. The Council's officer report confirms that the proposal would be not inappropriate development in the Green Belt as it would constitute limited infilling in a village as set out in Paragraph 154 e) of the Framework and that there would not be an adverse effect on the openness or purposes of the Green Belt. I concur, rendering this neutral in my assessment.
20. The proposal would have an acceptable effect on highway safety given the visibility along the grass buffer, across to the Flaunden Park access, and the low levels of traffic that would be generated by the proposed development. Drainage of the site could be controlled by condition if necessary and there is no substantive evidence before me that the site is at risk of flooding.
21. The delivery of a dwelling is a benefit of the proposal. Given the Council cannot demonstrate a five year deliverable supply of housing land, I attach moderate weight to this. The proposal would be sited in a location where it would help to maintain the vitality of the community and support local services in Flaunden. There would also be economic benefits during the construction and occupation of the proposed dwelling. These would be of limited benefit given the proposal is for a single dwelling.
22. Two previous applications¹ on the site were refused by the Council, the latter of which was subsequently dismissed on appeal². This proposal seeks to address those reasons for refusal. However, I have determined this appeal on its own planning merits.

Planning Balance and Conclusion

23. There is no indication before me of the extent of the Council's shortfall in the supply of housing land or the steps it is taking to address this. However, given the shortfall in supply, paragraph 11d of the Framework is engaged.
24. My findings in respect of the SAC means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, under Paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.
25. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the policies of the Framework, to indicate the decision should be made otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR

¹ 22/00939/FUL and 22/02586/FUL

² APP/A1910/W/23/3314513 dismissed 10 October 2023