



Appeal Decision

Site visit made on 26 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2024

Appeal Ref: APP/A1910/W/24/3345753

118 Hempstead Road, Kings Langley WD4 8AL

- 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 N Akhtar against the decision of Dacorum Borough Council.
 - The application Ref is 23/01713/FUL.
 - The development proposed is a drop kerb new vehicle access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further.

Main Issues

3. The main issues are:
 - 1) the effect of the proposed development on the character and appearance of the area having particular regard to the loss of trees and landscaping, and
 - 2) the effect of the proposed development on highway safety with particular regard to pedestrians.

Reasons

Character, appearance and tree loss

4. The appeal site is set along a relatively short stretch of road between Aspley and Kings Langley which is bounded by a mix of open fields, large gardens and the football club. The boundary treatments along this section of road are a mix of hedges and trees which forms a pleasing break between the two settlements and gives the area a green and verdant character. This is in contrast to the more urbanised forms of development that exist along Hempstead Road further to the north and the south.
5. No. 118 is presently characterised by a short section of wall, the open driveway and a cluster of trees. These trees contribute to the sylvan setting of the area. I recognise that these trees are mostly non-native specimens and are not protected by a Tree Preservation Order. Even so, they make an important contribution to the general setting of this part of the road.

6. The proposed vehicle access would result in the removal of many, if not all, of these trees along this frontage and replacement with a new vehicle access. This access would allow aspect towards the large driveway which is laid to hardstanding and, upon construction, the new dwelling which has previously been permitted on this site. This would erode the verdant charm of this particular stretch of road. Whilst these trees could be removed without the need for permission, there would be no incentive to do so without the desire for a new access.
7. No scheme of replacement planting has been put forward by the appellant. Whilst I recognise that such replacement planting could potentially be secured by way of condition, given the context of this site and the extent of tree removal that is proposed, this should be established prior to the grant of permission. In the absence of such a scheme of replacement planting it is not possible to make an informed assessment as to the impact of the proposed scheme on the local character of the area.
8. The Planning Practice Guidance notes that conditions can be used to enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission. In this instance however, any condition imposed would be done so to mitigate potentially serious harm to the character of the area as opposed to being used to enhance the proposed development.
9. Accordingly, I find that the proposal would result in a harmful impact upon the character and appearance of the area due to the loss of trees and there being no scheme of replacement. The development therefore fails to comply with policies CS11 and CS12 of the Dacorum Core Strategy 2013 (DCS) and policies 99 and 100 of the Dacorum Local Plan 2004 (DLP) and provisions of the Framework insofar as these policies encourage the preservation of trees and hedgerows.
10. I have noted reference to Appendix 3 of DLP in the Council's decision notice. However, this appears to be supporting text to this document and does not comprise an adopted planning policy. I have therefore not included reference to it in my formal decision here.

Highway safety

11. The proposal would result in a second vehicle access being formed with Hempstead Road. This would result in multiple accesses to a single dwelling and create a second point of potential conflict with other vehicle traffic on this important 'A' road, despite adequate sight lines. This would be detrimental to highway safety.
12. I have noted part of the Council's concerns rest upon the lack of a pedestrian footway at the frontage of the site and potential conflicts between those pedestrians and vehicles using the access. However, the pedestrian footway stops outside the site and does not continue any further to the south on this side of the road. Apart from the football club, there are no other accesses to premises on this side of the road until the built-up area of Kings Langley is reached to the south. Conversely, the opposing side of the road has a continuous footway between the two settlements and accesses many more premises. It therefore seems unlikely that pedestrians would be using this side of the road leading to minimal chance of pedestrian and vehicle conflict.

13. As such my concerns here hinge solely upon the second access providing an additional point of conflict between vehicles. I am conscious of the new permitted, but unbuilt, dwelling and that this new access is intended to serve that dwelling as opposed to being a second access to number 118. A condition could be imposed to tie the formation of this new vehicle access to the completion/occupation of the new dwelling and to ensure it only serves it. This would ensure that each property would only have one access. However, as the appeal is to be dismissed on other grounds, this does not require further consideration here.
14. In the absence of such a condition, the development fails to comply with policies CS8 and CS12 of the DCS and policy 51 of the DLP insofar as these policies are concerned with the safety implications of the traffic generated by the development.
15. I have noted reference to the Hertfordshire Local Transport Plan 2018 in the Council's decision notice however no policies of this document have been cited in the reason for refusal. Therefore, I have not included reference to this development plan document here.

Conclusion

16. The proposal conflicts with the development plan insofar as it would result in the loss of trees to the detriment of the character and appearance of the area and a second vehicle access would be harmful to highway safety. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, the appeal should be dismissed.

N Bowden

INSPECTOR