



Appeal Decision

Site visit made on 28 January 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 February 2025

Appeal Ref: APP/A1910/W/24/3347446

72 London Road, Hemel Hempstead, Hertfordshire HP3 9SD

- 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 Mohanlal Thakrar against the decision of Dacorum Borough Council.
 - The application Ref is 23/01616/FUL.
 - The development proposed is the construction of a residential studio at the rear of the building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2024. As this could affect the issues and matters in this case, the Council and the appellant were invited to make further comments, and the Council responded. My decision reflects the latest version of this document, and the response received on it.

Main Issues

3. The main issues in this appeal are whether the proposed development would:
 - make appropriate provision for car parking; and
 - provide acceptable living conditions for future occupiers, with particular regard to outlook, privacy and light.

Reasons

Car parking provision

4. The appeal site is in a mixed commercial and residential area on the busy London Road. There are no double yellow lines on this section of the road and there is space for cars to park adjacent to the pavement on one side of the street. There is residents' permit parking along some nearby side streets during much of the day. At my daytime site visit, although only a snapshot in time, there was little available space for parking on nearby roads and it was clear that there is on-street parking stress. The proposal would not include any car parking provision.
5. The site is in Accessibility Zone 3 where the Council's Parking Standards Supplementary Planning Document 2020 (SPD) indicates that one parking space would be required. The SPD states that car free development will only normally be considered in Accessibility Zone 1, which comprises the immediate core of central

Hemel Hempstead where there are extensive local facilities and buses. It allows parking standards to be varied in exceptional circumstances when robust justification can be provided.

6. The inclusion of a cycle store could encourage the use of sustainable modes of travel by future occupiers and the site is within a local centre with access to services and public transport. Nevertheless, it is some distance from central Hemel Hempstead and there is little evidence that car free development would be justified in this instance. The scheme would generate a need for an off-street parking space and, in the absence of such provision would exacerbate on-street car parking stress. As such, it would fail to accord with the SPD requirements.
7. There are references to other approvals for flats in London Road where there was no requirement for car parking provision. However, these were either approved in a different policy context before the adoption of the SPD or resulted in a decreased parking demand. Therefore, these are not comparable in the context of current parking policies and given the nature of the appeal scheme.
8. Consequently, I conclude that the proposed development would fail to make appropriate provision for car parking. This would be contrary to Policy CS12 of the Council's Core Strategy 2013 (CS) where it requires developments to provide sufficient parking as part of achieving site design quality.

Living conditions

9. The site comprises a garden and outbuilding behind a two storey building at 72 London Road (No 72), which has a rear outrigger attached to one at 74 London Road. Both properties have flats on the upper floor with obscure glazed rear windows and doors on the outriggers facing the outdoor space. There is another first floor dwelling window on the main building at No 72, with upper floor openings to the flat at 70 London Road also facing towards the appeal site. The proposal is to replace the outbuilding with a small single storey studio.
10. Saved Appendix 3 of the Dacorum Borough Local Plan 2004 (LP) requires a minimum distance of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another to ensure privacy.
11. In this case, the proposed living area would face away from the neighbouring dwellings to the rear of the new building so it would not be overlooked by the occupants of adjacent flats. Further, a new fence would ensure that the proposed living area and rear garden would not be readily visible by the occupants of No 72 when using their garden. In addition, due to the proposed 1.8m boundary fence around a front grass forecourt and the short distance between this and the bedroom windows, there would be sufficient privacy for future occupiers when using their bedroom.
12. The living area would have large bifold doors facing the rear outdoor space, giving direct access to the patio and garden. There would also be a rooflight and large windows to the bedroom at the front of the building. The front opening would face a new boundary fence close by, with the two storey outrigger at No 72 only a short distance beyond. There is no light survey, but due to the number and size of proposed windows and the position of the living area next to the reasonably sized rear external area, there would be an acceptable outlook for future residents and the residential studio would receive sufficient sunlight and daylight.

13. Consequently, I conclude that the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook, privacy and light. This would comply with Policy CS12 of the CS and saved Appendix 3 of the LP where they require developments to provide satisfactory levels of privacy, sunlight and daylight, and to avoid visual intrusion.

Other Matters

14. The proposal would make more efficient use of land and contribute towards the supply of housing on a small site with access to facilities and public transport. This would be consistent with local and national planning policies. There is reference to previous Housing Delivery Test results which require the Council to apply a 20% buffer to its five year housing land supply due to levels of past housing delivery. Nevertheless, there is little evidence that the Council is not meeting the needs for housing in its area. This tempers the weight I have attached to housing delivery, albeit that the provision of one dwelling is still a limited benefit to be factored into the planning balance.
15. The proposed development would be likely to have a significant effect, either alone or in combination, on the Chilterns Beechwoods Special Area of Conservation (SAC). This is due to its location within the 12.6km recreational zone of influence. The appellant accepts the need for a legal agreement to mitigate any significant effects on the SAC. However, given my conclusion below, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.
16. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of residential development, character and appearance, and heritage assets. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Planning Balance and Conclusion

17. I have found that the proposal would fail to make appropriate provision for car parking. This is a planning harm which attracts considerable weight. The delivery of housing attracts limited weight, and the provision of acceptable living conditions and the remaining matters carry only neutral weight, which accordingly do not outweigh the harm I have found.
18. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR