
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: **11 FEBRUARY 2025**

Appeal Ref: APP/A1910/W/24/3349517

Land At Albion Hill, Hemel Hempstead

- 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 Morzaria against the decision of Dacorum Borough Council.
 - The application Ref is 20/03584/FUL.
 - The development proposed is the construction of a building containing 3x two bedroom flats with amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal refers to the impacts of the proposal on the living conditions at 2a and 2b Maynard Road. However, following my site visit, I sought clarification on the addresses referred to. The Council subsequently confirmed that the reference should have been to 1 Albion Hill rather than 2b Maynard Road. The appellant was given the opportunity to comment on this, but no response was received. I have referred to 1 Albion Hill in my decision below.
3. 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. My decision reflects the latest version of this document, and the responses received on it.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.

Reasons

Character and appearance

5. The appeal site lies in a mixed commercial and residential area, occupying a prominent location on the town's one way system on the corner of Wolsey Road and Albion Hill. It is now vacant but was previously part of the gardens for adjacent dwellings. The site forms part of a residential block of mainly two storey semi-detached houses fronting Maynard Road. These have long rear gardens running

down to the road behind, which along with the undeveloped site give a sense of spaciousness along this section of Wolsey Road.

6. The proposal is for a three-storey flatted development on the corner. Whilst it would be below the adjacent dwelling level and lower than the multi-storey car park opposite, due to its height, scale and position, the proposed building would cause significant loss of the open character along this part of Wolsey Road. It would be particularly conspicuous and incongruous in views when travelling northbound on the one way street.
7. There is a large four storey hotel on the other side of Albion Hill, but this is set back from Wolsey Road and its scale reflects the more predominant commercial character to the south. In contrast, the proposed flatted block would be very close to Wolsey Road and due to its mass and proximity to the car park opposite, the scheme would harmfully enclose this part of the street.
8. Further, the introduction of a large structure in this location would interrupt the residential development pattern of dwellings facing Maynard Road with outdoor spaces occupying the area between the buildings and Wolsey Road. In this context, due to the amount of space occupied by the scheme, including its sizeable building footprint, the proposal would appear as a cramped form of development.
9. Therefore, I conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013 (CS) where they require development to integrate with the streetscape character and respect adjoining properties, including in relation to layout, site coverage, scale, height and bulk.

Living conditions

10. The appeal site lies at the end of residential gardens belonging to 1 Albion Hill (No 1) and 2a and 2 Maynard Road (Nos 2a and 2). Part of the long garden at 4 Maynard Road (No 4) is also adjacent. There are fences and vegetation along the mutual boundaries with the neighbouring properties.
11. An amenity area would separate the new flats from the adjacent rear gardens, with existing fences and new boundary planting ensuring no unacceptable overlooking of existing outdoor areas from the proposed ground floor flat.
12. Urban back gardens are often visible from neighbouring first floor windows. However, in this case, the openings for the proposed upper floor living and kitchen areas would face the rear gardens at Nos 2 and 4, giving direct and oblique views of the neighbouring outdoor spaces from the main living areas in the new flats. Therefore, there would be a harmful loss of privacy to the occupants of Nos 2 and 4 when using their gardens.
13. The proposed side windows would provide light to the stairwell rather than habitable rooms in the flats, and as such there would be no unacceptable overlooking of the properties at Nos 1 and 2a.
14. The appellant suggests that consideration could be given to the position and type of windows to mitigate any impacts on privacy. However, I must determine the proposal on its merits based on the plans before me.

15. The proposed three storey building would be sited around 12.5m from the houses at Nos 1 and 2a and only a short distance from their small rear gardens. The Council and the appellant do not dispute that the scheme would retain a good standard of light for neighbouring occupants. Nevertheless, due to its height, mass and proximity to these adjacent properties, the proposed building would dominate the outlook from the modest back gardens at Nos 1 and 2a, causing an unacceptable sense of enclosure.
16. Consequently, I conclude that the proposed development would harm the living conditions of neighbouring occupiers, with particular regard to privacy and outlook. This would be contrary to Policy CS12 of the CS and saved Appendix 3 of the Dacorum Borough Local Plan 2004 (LP) where they require development to avoid visual intrusion and loss of privacy to surrounding properties.

Other Matters

17. 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 secure contributions towards mitigating 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.
18. The Council did not find harm or development plan conflict in relation to several other matters, including highway safety and parking. 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.
19. The appellant has expressed general dissatisfaction with the Council's handling of the application. However, this is a matter between those parties, and it does not in this instance have any bearing on my determination of this appeal.

Planning Balance and Conclusion

20. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the Framework. The appellant states that the Council has recently confirmed that as of 1 April 2024, it had a 1.03 year supply of housing, with the Housing Delivery Test results requiring it to provide a 20% buffer due to poor levels of past housing delivery. This represents a significant shortfall and therefore paragraph 11(d) of the Framework is engaged.
21. Paragraph 11(d)(ii) of the Framework confirms that, in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.
22. The Framework seeks to boost housing supply and highlights the important contribution small sites can make. The government has also sought to maximise urban densities through recent changes to permitted development rights¹. The scheme would make a modest contribution of three dwellings to the supply of

¹ Under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

housing, making better use of land with good access to services and public transport. It would contribute towards Dacorum Borough's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute modest weight to this benefit.

23. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support local services. However, given the relatively small scale of the proposal, these benefits would be limited.
24. In contrast, the proposal would harm the character and appearance of the area and the living conditions of neighbouring occupiers. I have concluded that the proposal would conflict with Policies CS11 and CS12 and saved Appendix 3 of the LP. These matters combined carry significant weight against the scheme.
25. Consequently, the harm I have identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.
26. 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