



Appeal Decision

Hearing held on 1 April 2025

Site visit made on 1 April 2025

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/A1910/W/24/3358181

1 Dale End, Box Lane, Felden, HEMEL HEMPSTEAD, Hertfordshire, HP3 0DH

- 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 Visao Limited against the decision of Dacorum Borough Council.
 - The application Ref is 24/00781/FUL.
 - The development proposed is for the demolition of the existing dwelling and construction of 9 apartments with associated outbuildings, parking, landscaping and access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and the construction of 9 apartments with associated outbuildings, parking, landscaping and access at 1 Dale End, Box Lane, HEMEL HEMPSTEAD, HP3 0DH in accordance with the terms of the application, Ref 24/00781/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Visao Limited against Dacorum Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council confirmed that Reasons for Refusal Nos 5 and 6 on the Decision Notice, relating to insufficient information to address issues of tree protection and protected species respectively, have been addressed by the information submitted with the appeal by the Appellant. The Council did not contest these reasons for refusal at the Hearing and are not considered main issues for this appeal.
4. A Unilateral Undertaking (UU) legal agreement, committing to paying the contribution to mitigate the potential impact and to safeguard the integrity of the Chilterns Beechwoods Special Area for Conservation has been submitted, in response to Reason for Refusal No 7. On this basis, subject to the agreed UU, the Council did not contest this reason for refusal at the Hearing. This issue will be addressed in more detail later in this Decision.
5. The Appellant submitted amended plans with the appeal, which were not part of the planning application before the Council at the time of determination. Appendix 30 with drawing 3831.P.101 J Site Plan shows an alternative layout with 13 parking spaces and a correspondingly larger landscaped area (included with Appendix 33b) instead of 15 spaces on Site Plan 101 E. However, this was not a

plan that was consulted on as an amended proposal with the planning application and I am aware that parking provision has been a matter of concern with some neighbours to the site. Not consulting the local community on this proposed amendment would not be procedurally fair and could prejudice those who would have otherwise wanted to comment on the amended layout with the reduced parking provision.

6. It is acknowledged that residents have been informed of the appeal, but this is not the same as consulting specifically on the amended plans. As such, it is quite possible that neighbours to the site would have assumed the plans under consideration would be the same as at the determination of the planning application.
7. For these reasons, as made clear at the Hearing, the amended layout plan showing reduced parking provision was not accepted into the appeal for consideration.
8. Plans were submitted into the Council to delete the cycle store element of the proposals. These were not accepted by the Council as amended plans and were not consulted on. I have considered the proposal based on the plans that the Council used to determine the planning application. A condition has also been proposed requiring final details of the cycle store.
9. There was a previous appeal for a similar development which was dismissed (ref: APP/A1910/W/22/3300850). I have had regard to this appeal decision with my considerations for this appeal.

Main Issues

10. The main issues are considered to be the following:
 - The effect on the significance of the Grade II listed buildings Boxmoor Lodge and the former Swan Inn public house,
 - The effect on the character and appearance of the area,
 - The effect on the living conditions of neighbouring occupiers, with regard to loss of privacy; and,
 - Whether the development would allow for safe and appropriate methods and means of refuse collection.

Reasons

Heritage Assets

11. There have been two Grade II listed buildings to the north of the site identified. They are known as Boxmoor Lodge and the former Swan Inn public house. In determining this appeal I have given special regard to the desirability of preserving these buildings, their setting and any features of special architectural or historic interest which they possess.
12. Boxmoor Lodge dates from the 17th century, although substantially modified and extended in the 19th century. The significance of Boxmoor Lodge derives from its historic character, its association with Boxmoor House and land, and its

association with London Road. I observed the historic gates onto London Road adjacent to Boxmore Lodge.

13. The other listed building is the former Swan Inn (now an antiques sales business) which dates from the 18th century. Its principal elevations face towards London Road. Its significance derives principally from its historic character and association with London Road.
14. It is noted that historic records show that part of the appeal site was formerly associated with the Swan Inn, and otherwise formed part of the ground of Boxmoor House. The maps indicated an access road taken from London Road (at the historic gates) past the lodge house and continued to Boxmoor House, which would have crossed through land that is now part of the appeal site.
15. Over time the historic and functional connections with Boxmoor House/Boxmoor Lodge and the Swan Inn have diminished as dwellings were built and the land partitioned into residential plots. As was the conclusion of the Inspector with the previous appeal (APP/A1910/W/22/3300850) both listed buildings still derive some significance from the land and buildings to the south, including the verdant landscaped qualities. The low density and large gardens give a character to the south of these listed buildings which has similarities to the original rural setting prior to the area being developed.
16. The proposed development is therefore within the setting of these listed buildings and in an area where they derive some positive significance from, albeit much diminished from before the area was developed for housing over the years.
17. The proposed building for the nine flats would be substantially larger than the existing house. It would also be visible to some degree from the listed buildings. However, the proposed building would still be set within a spacious and well landscaped plot.
18. For the Swan Inn the intervisibility would be minimal, especially as the intervening trees on the appeal site, which form a backdrop to the listed building, would be retained. As such, the character to the south of Swan Inn would remain much as existing. There would also be a substantial separation distance between the proposed building and the Swan Inn, which means the larger replacement building would not dominate this listed building. Furthermore, the proposed parking area would not be prominent from the Swan Inn, which itself also has a large parking area surrounding the building. For these reasons, the harm to the setting of the former Swan Inn listed building would be at the lower end of less than substantial.
19. As set out with the previous appeal, the extent of intervening development on the Boxmoor Lodge site, including that approved, is significant, and Boxmoor Lodge itself is located at the far end of the site from the shared boundary. The approved development would screen much of the proposed development from Boxmoor Lodge, reducing the intervisibility. There would remain some views of the proposed development from Boxmoor Lodge, though the inclusion of the gable to the north elevation is a positive addition and avoids an otherwise long and mainly blank elevation facing towards this listed building. There would also be substantial trees and other forms of landscaping within the appeal site to maintain a good level of verdancy to this site, to the south of Boxmoor Lodge. However, it is acknowledged that the view of some existing trees from Boxmoor Lodge would be screened by the proposed building.

20. The proposed parking area to the front of the proposed flats would not have any discernible impact to the setting of Boxmoor Lodge, due to the boundary features screening this aspect.
21. The development at Boxmoor Lodge has been commenced and there is no reason for me to believe that this would not be built out as shown on the submitted details. However, even if this development would not be built out then whilst the proposed development would not be as screened as if there was the intervening built development, there would still be the landscaping, significant separation distance and the feature gable to the northern elevation as proposed, which would mean that the harmful impact to the significance of Boxmoor Lodge listed building would be at the lower end of less than substantial. The harm would be reduced further if the Boxmoor Lodge development is implemented fully.
22. Regard has been had to the previous appeal (ref: APP/A1910/W/22/3300850) but this is a different proposal, with the further distance of the proposed building from the northern boundary to allow for more landscaping, and the difference in heights, meaning that it is my view that the proposed development would have a lesser harmful impact on the significance of these listed buildings.
23. The National Planning Policy Framework (the Framework) requires that less than substantial harm is weighed against the public benefits of a proposal. The proposed development would deliver a net increase of eight new dwellings, helping to address the Council's shortfall in housing land supply and supporting the Government's objective of boosting the supply of homes. There is a considerable shortfall of housing land supply which adds to the public benefits of the proposal as the need for housing is great. The appeal site is in a sustainable location in an existing settlement within walking distance of some services and facilities and with access to public transport, so residents would not be fully reliant on private cars. The site is an efficient use of previously developed land. There would be economic benefits from ongoing support for local shops and services from the occupiers of the proposed dwellings.
24. Overall, there is less than substantial harm to the significance of the listed buildings, but I would consider that for this appeal the harm would be at the lower end of the 'less than substantial' spectrum. The changes to the proposed development from that which was proposed with the previous appeal has reduced the level of harm to the listed buildings' significance. Meanwhile there are substantial benefits as set out above, particularly the contribution towards the housing land supply for Dacorum Council area. As such, in this case, the public benefits do outweigh the less than substantial harm caused by the proposed development on the significance of the listed buildings.
25. In its reason for refusal, the Council refer to Policy CS27 of the Dacorum Core Strategy (the CS) and saved Policy 119 of the Dacorum Borough Local Plan. These policies, when taken together, set out a general presumption in favour of the preservation of listed buildings, including their setting. Policy CS27 also states that "*The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.*" In this case I have found that the proposed development would result in less than substantial harm to the listed buildings. However, as explained above, the Framework under paragraph 214 sets out a heritage balance exercise where there is less than substantial harm, which is not reflected in these local planning policies.

Character and Appearance

26. The site is within Character Area HCA4 (Felden West), which is described as a spacious area based around the ribbons of mainly detached houses found principally along Box Lane and also Felden Lane. The Council has described the area as having *“an almost semi-rural appearance with a high level of mature private, publicly visible landscaping in a very low-density layout”*. Since the character area assessment publication, and over more recent years there has been much in the way of development of the area, with the inclusion of flatted developments for example. However, the area is still characterised by its verdancy and spaciousness overall, though the additional development has resulted in the area having a more suburban character than semi-rural.
27. It is a fact that the proposed building is substantially larger than the existing house. Furthermore, the proposal would include a sizable parking area with carport to the front area of the site. However, the plot is large and even with the proposed nine flats there would be a substantial area of land which would be used for garden and landscaping space, even with the parking area. The space to the sides of the proposed building would also allow for a clear gap from the side boundaries of the plot. As such, this is not an overdevelopment of the plot and a sense of spaciousness would remain, albeit less than existing.
28. The proposed building would be well set back from the Box Lane frontage. As such the front elevation would not be a prominent feature of this street scene. Nonetheless, the front elevation is suitably designed with some symmetrical features but also some variation. The rear elevation would not be prominent from any public vantage points, but its design is suitably detailed.
29. The side elevations are particularly long elevations. As these proposed elevations are close to the side boundaries with neighbouring properties then there are less openings to these elevations, which would help to prevent overlooking impact. The south elevation has large areas of wall which are blank which does not appear as an interesting side to the proposed building. However, this elevation would primarily be seen from the neighbour to the side (No 5 Box Lane). This south elevation would be screened from public view to a significant extent by the house at No 5 and existing trees near this boundary. As such, the proposed south elevation would not be harmful to the character of the area.
30. The north elevation would be more prominent to public view, such as from the Boxmoor Lodge development, but a gable feature has been incorporated into the design to break up this elevation. There would also be some landscaping proposed which could, over time, filter views of this north elevation of the proposed development. This elevation would not be harmful to the character of the area. Furthermore, from London Road this elevation would not be overly dominant, particularly due to the separation distances involved and the intervening development at Boxmoor Lodge.
31. The proposed development would result in a particularly deep building when measured from front to rear elevations, which does reflect the narrow but deep plot. However, from outside of the site the full extent of the depth of the proposed building would not be readily apparent from most public area views. The crown roof design also would maintain a lower maximum height of the proposed

development. Its height would not appear incongruous within this area, where other similar height buildings are evident.

32. The proposed building would therefore not harm the character and appearance of the area, subject to some of the details required via condition such as materials for example. Furthermore, the plot would still remain spacious and verdant.
33. Being for nine flats there is a need for a parking area. This is provided to the front of the proposed flats, near the access off Box Lane. The parking area has a formal layout, but this would likely allow for it to be planned efficiently and to keep its footprint to a smaller area than if it was of a more irregular layout. Furthermore, there would be space around the proposed parking area which would allow for landscaping. The walled and gated Box Lane frontage would screen most public views of this parking area and so it would not be a prominent feature in the street. I also note the similar parking areas at No 7 Box Lane and also to the front of the former Swan Inn. As such, the parking area would not be harmful to the character and appearance of the area.
34. The car port structure would be of a basic design, though this would be low profile with minimal visual impact to the wider area, especially being behind the front boundary wall and gates.
35. There are no final details of the solid gates proposed, but there are other similar gates within the area. They should not appear as an incongruous feature and the trees within the site would still be visible over the gates. Details of the gates are required by condition.
36. Overall, the proposed development would not have a harmful impact to the character and appearance of this area. The proposals therefore accord with Policies CS11 and CS12 of the Dacorum Core Strategy September 2013. These policies require that development should respect the typical density intended in an area, preserve attractive streetscapes and integrate with the streetscape character, amongst other things.
37. In terms of the 'Development Principles in the Felden West character appraisal (HCA4)', as with the previous appeal, developments and changes in the area since the 2004 character appraisal lead me to give limited weight to its assessment of the character of the area in determining this appeal.

Neighbour Amenity Impact

38. The Council state that "in the case of the window serving bedroom 1 in the SW unit of the second floor of the development, the Council is of the view that there would be overlooking and a loss of privacy to No. 5 Box Lane that could not be suitably mitigated." It is acknowledged that the window concerned would serve a habitable room and would have a slightly oblique angle of view into the private rear garden and conservatory of 5 Box Lane from a second floor position in the south elevation wall.
39. In terms of the conservatory at No 5, this has an opaque roof and so there would not be clear or significant views into this space from the proposed window. There would be some views of the rear garden area. Some of this view is screened by a tall tree, but there would still be some views into this garden space of No 5. However, there is already windows from other properties which overlook this rear

garden, particularly from No 14 Laurel Bank which have rear windows at first floor with views back to the rear of No 5 and its rear garden area. Overall, it is considered that there would be no significant increase in overlooking impact above existing levels as a result of the proposed window as highlighted by the Council in its reason for refusal.

40. The proposed development would also be located near other dwellings, such as those on Laurel Bank and also the approved dwellings at the Boxmoor Lodge development. However, as was concluded by the Council, the impacts to the amenities to these neighbours would not be significant due to a combination of separation distances and the positions of the proposed building in relation to these other houses.
41. Overall, the proposed development has been designed to avoid any unreasonable impacts to neighbour amenities, for the occupiers of No 5 or any other neighbours to the site (including the dwellings yet to be built at Boxmoor Lodge).
42. The proposals therefore accord with policy CS12 of the Dacorum Core Strategy September 2013, which requires that development to avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties, amongst other things.

Refuse Collection

43. The Council reason for refusal No 4 concerns what it considers to be the lack of information to demonstrate that the proposals for kerbside refuse collection would be acceptable in highway safety terms.
44. For the single dwelling currently on site there is kerb side collection of its bins from Box Lane. At the Hearing, the appellant set out that from its observations the collection of the bins for 1 Box Lane took circa 30 seconds, with the bins being left at the end of the driveway. For the arrangement for the proposed development of nine flats, the appellant proposes two Eurobins to be provided for waste and two for recycling. There would not be the space as proposed for a refuse vehicle to enter the site and then exit in a forward direction after turning.
45. From discussions at the Hearing the main difference from existing is that emptying the larger Eurobins would take more time than the bins for a single dwelling. However, the extra time taken would not be substantial, with the applicant suggesting possibly about an extra 30 seconds or so. This additional time needed is plausible in my view. Even on a busy highway, this is not a significant change from the existing situation.
46. It is also noted that with the proposed new frontage the pick-up point would be further from the junction between Box Hill and London Road. This could help reduce the impact of a refuse vehicle stopped in front of No1 Box Lane on traffic flows and congestion. Drivers entering Box Lane from this junction should be able to see the refuse vehicle stopped and collecting waste in plenty of time to avoid any highway safety issues. Also, vehicles would only be able to overtake the stopped refuse vehicle if there was no traffic coming from the opposite direction, which is the same circumstance as existing.
47. For the operators collecting the waste, the evidence suggests the extra time would be for retrieving the bins and therefore more within the site than on Box Lane.

From the evidence, it was not clear how the short additional time to pick up the Eurobins would cause a discernible additional risk to operators, especially as kerb side collections are common. Indeed, it is understood that the proposed kerb side collection is the same as used at the flat development at No 7 with no evidence provided of this causing issues.

48. From the evidence it is likely that the refuse collection would occur on different days and the refuse vehicle must stop for slightly longer from the existing arrangement. This would likely lead to some additional traffic congestion, though not to a significant degree and only infrequently. There is no substantive evidence to demonstrate that the continued use of kerb-side collection for the proposed development would discernibly increase the danger for refuse collection operatives or result in highway safety issues.
49. For these reasons, the proposed bin-collection arrangement would accord with Policy CS12 of the Dacorum Core Strategy, with this policy requiring that development provide sufficient parking and space for servicing, amongst other things.

Chiltern Beechwoods Special Area of Conservation (SAC)

50. The Chilterns Beechwoods SAC is an extensive area on the Chilterns escarpment with ancient woodland, heath, ancient Beech pollards, chalk grassland and scrub. The SAC has a very rich breeding bird community and supports several uncommon plants. Its key qualifying features are beech forests, semi-natural dry grasslands and scrub, and its stag beetle population.
51. The SAC has been identified by Natural England (NE) as being vulnerable to harm as a result of recreational disturbance (such as trampling or dog fouling, for example) which would be exacerbated by an increase in the local population resulting from new residential development. As set out by the Council, there will be an impact on the Chiltern Beechwoods SAC from all residential development within the zone of influence (12.6 km including the whole of Dacorum and this site). The appeal proposal would result in a net gain of eight dwelling, and it is therefore likely that the proposal, alone and in combination with other development, would adversely affect the integrity of the SAC. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on its integrity.
52. The Chilterns Beechwoods SAC Mitigation Strategy (the Strategy) requires contributions towards the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Greenspace (SANG). The SAMMS seeks to manage and avoid impacts at its source and better educate those visiting the SAC. The SANG are greenspaces that are created or enhanced with the specific purpose of absorbing recreation pressure that would otherwise occur within the SAC.
53. NE were consulted on the proposal and stated that *“Subject to the signing of a S106 agreement that secures the provision of the SAMM tariff and an appropriate contribution towards SANG, the development will not affect the integrity of the SAC either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects.”*

54. The appeal is supported by a planning obligation in the form of a signed and certified unilateral undertaking, dated 14 April 2025, made pursuant to section 106 of the Town and Country Planning Act 1990 (the UU), which undertakes to make the required SAMMS and SANG contributions. The Council has confirmed it is content with the UU as submitted and that their reason for refusal 7 has been addressed.
55. Taking into account the planning obligations set out in the UU, on which I place significant weight, I am satisfied that the development would not cause harm to the ecological value of the SAC.
56. In conclusion, the proposal would not harm the integrity of the SAC and would, therefore, accord with paragraph 193 of the Framework which states that planning permission should be refused where significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated. The proposal with the UU would be in accordance also with the proposed Policy CS26 of the Dacorum Core Strategy September 2013

Other Matters

57. It is acknowledged that there are limits on on-street parking in the area, with parking restrictions on some of the roads. However, parking provision is included with the proposal. Cycle parking is also to be included. It is also recognised that this is a sustainable location, with bus stops and the train station in close proximity. Overall, it is considered that the parking provision as proposed is at an acceptable level, with there being no objection from the Council on this matter.
58. The surrounding roads, including London Road and Box Hill are clearly busy routes. However, in my view, the proposed development with a net increase of eight dwellings would not result in a level of additional trips which would discernibly increase traffic levels to cause issues at junctions or traffic flows.
59. The proposed reconfigured access with vision splays is considered suitable with no objections raised on this matter by the Council. Though the access proposed would be used for more trips than existing, it should also be safer than using the existing access which appeared to have limited visibility.
60. For pedestrians, it is noted the lack of footway on the side of Box Lane that the site is on. This would mean that pedestrians would need to cross Box Lane to continue walking. Whilst a busy highway, pedestrians should have good levels of visibility at the frontage to ensure that they cross only when there is a suitable gap in the traffic. There are also pedestrian crossings in the area, which I observed on site, which provide for safe pedestrian routes. The footways are relatively narrow where available on Box Lane, but these are established footways with no clear space for expansion of widths. The footpaths should be wide enough for people to walk along, with it noted there is no objection from the Council on this matter.
61. In terms of biodiversity, the proposal would include more space for landscaping which would be of benefit. Biodiversity enhancements are also required as part of the hard and soft landscaping. Overall, the proposed development should not result in a net adverse effect to biodiversity when considering the biodiversity enhancements and landscaping required via condition.

62. The proposed development of flats at this site does not set a precedent for the development of other sites. This is already an area where there is a mix of single dwellings and some flatted development. Future applications for development would be considered on their own merits.
63. There have been submissions with concern about flooding at and near the site. There is no substantive evidence to indicate that flooding would be a particular issue for this site, but the Council would have control over the final surface water drainage system proposals, in consultation with the Lead Local Flood Authority. As such, this is a matter that can be addressed via condition.
64. I have taken into account all matters raised by interested parties and neighbours to the site, including those covered in this Decision. Other issues were raised but they are considered minor matters that do not result in the proposals being contrary to policy or discernibly weigh against the decision to allow this development.

Planning Balance

65. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. As such, the outcome of a decision turns on whether any benefits of the proposed development would outweigh the harms and subsequent conflict with any development plan identified.
66. In this case, the proposal would provide a net increase of eight dwellings to the supply of housing, as a social benefit. This attracts increased weight due to the substantial shortfall in housing land supply demonstrable by the Council currently. There would also be economic benefits from the development, such as the economic boost from the construction work and also in the future from occupiers of the flats supporting local businesses and services.
67. As determined above, the public benefits of the residential development as proposed would outweigh the less than substantial harm identified to the significance of heritage assets. However, as directed by the NPPF (Para 212), the heritage harm must be given great weight in the overall balance.
68. As already stated, there is great weight against the proposed development due to the less than substantial harm to the setting of heritage assets. However, the benefits of the proposal would outweigh the total harm, primarily due to the provision of much needed additional housing. In this case I conclude that due to these benefits there are material considerations that make me conclude that this proposal should be granted planning permission.

Condition Reasons

69. A condition schedule has been submitted between the main parties and was discussed at the Hearing. There are some conditions in agreement, but others disputed. I have had regard to both parties comments on the disputed conditions. I have revised the wording to a number of the suggested amended conditions in light of that discussion, and in accordance with Government guidance on the use of conditions in planning permissions.

70. In addition to the standard condition regarding the time limit for the commencement of development there is a condition specifying the relevant drawings, which provides certainty. The plans listed are those I consider formed part of the appeal before me to determine, with some plans suggested from the appellant omitted for reasons given elsewhere in this Decision.
71. A condition requiring details of materials and external finishes is necessary, to ensure that the development is of a good quality appearance with no adverse visual impacts to the area. Furthermore, a condition requiring details of elements of the proposals, such as the front boundary wall, bicycle storage shed and entrance gates, is necessary. However, there is not the need for this to be all provided in 1:20 detail, and there is not the necessity for details of such elements of the development such as balustrades and brick detailing to be provided to the Council for approval for this development to be considered acceptable, particularly as this is not a Conservation Area. The building as proposed would be set well back from the road frontage and smaller details such as cills and rooflights for example would not be prominent features.
72. Landscaping, both hard and soft versions, is an important aspect of the proposed development in this verdant area. Full details have not yet been provided so this should be required by condition, which has therefore been imposed. There is not the need for aftercare provision to be provided as part of the condition requirements, as the condition already requires replacement trees or shrubs if they die within the first 5 years. Any more control is unnecessary in my view.
73. There are already trees on site which are important to be retained as they positively contribute towards the verdant character of the area. A condition requiring tree protection is therefore imposed.
74. A condition is imposed requiring a Written Scheme of Investigation, due to the potential for important archaeology at the site. I have simplified the wording, though it is based on that suggested by the Council. The details set out within the condition should help to clarify what is required by the developer.
75. The Landscape Ecological Management Plan (LEMP) is a necessary condition to ensure the proposal does not unacceptably harm, and where possible enhance, the natural environment.
76. Conditions requiring the access and associated visibility splays to be formed and maintained are important to be included to safeguard highway safety, especially onto what is a busy highway. Furthermore, a condition ensuring that the proposed access points remain only as proposed is also required for highway safety purposes.
77. The Construction Management Plan (CMP) condition is necessary to ensure the effects of construction on the highway network are acceptable, and to protect the living conditions of existing neighbouring occupiers from the potential effects of construction.
78. A condition setting out what is necessary in terms of process if ground contamination is uncovered during construction is necessary to prevent environmental harm.

79. A condition requiring details of electric vehicle charging points is imposed, with a requirement that these agreed charging points be maintained and retained in the future.
80. Given the limited on-street parking availability on-site parking is an important element of the proposals. A condition is imposed to set out the parking for vehicles and bicycles as per the details set out in the approved plans.
81. A Sustainable Development Checklist was submitted with the proposals. A condition is imposed to ensure that the development is undertaken in accordance with these beneficial measures. There is also a condition imposed requiring details of renewable energy measures. The reference specifically to solar panels has been omitted as I am not aware of any policy from the Council that requires the inclusion of solar panels specifically, though this might be included as part of the renewable energy measures.
82. The drainage details are required by condition to adequately control surface water drainage and to effectively mitigate flood risk.
83. I have not included the condition requiring a biodiversity net gain assessment. It is understood that the proposal is exempt from mandatory biodiversity net gain and also the landscaping condition requires biodiversity enhancement measures.
84. The conditions included which require an action from the developer prior to the development starting are necessarily worded as pre-commencement conditions as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used.

Conclusion

85. I have had regard to all other matters raised, including the points put forward in opposition to this proposal by local residents and other interested persons, but find nothing sufficient to outweigh the considerations and benefits which have led me to conclude that this appeal should be allowed.

Mr S Rennie

INSPECTOR

Appearances

For the Appellant

- Innes Gray, Visao/Consensus Planning (Appellant)
- Paul White, Ecus (Heritage Consultant)
- Cain Ormondroyd, Frances Taylor Building (Barrister)
- Ben Thomas, I Transport (Transport Consultant)

For the Council

- Andrew Parrish – Lead Planning Officer, Dacorum Borough Council
- Emma Lauze – Head of Conservation, Dacorum Borough Council
- Councillor Stuart Riddick – Ward Councillor

Members of the Public

- Peter Willson – Resident of Copper Beach Close

Submitted at the Hearing:

- Submissions from Councillor Riddick, including about highway/pedestrian safety
- Submission from the Appellant regarding the location of objectors to the proposal

Schedule – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:
 - P100 (Site Location Plan)
 - P101 E (Site plans)
 - P102 B (Site plans)
 - P103 A (Proposed Floor plans)
 - P104 B (Proposed Elevations)
 - P105 B (Section plans)
 - P106 B (Additional Plans)
 - Transport Statement (May 2024)
- 3) Notwithstanding the submitted details, no development other than groundworks and footings shall take place until samples of the materials and details of finishes to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the submitted details and drawings, no development other than groundworks and footings shall take place until details of the following shall have been submitted to and approved in writing by the Local Planning Authority.
 - front boundary wall and bin stores, including brick bond;
 - entrance gates;
 - location and appearance of secure bicycle storage shed.

The development shall be carried out in accordance with the approved details.

- 5) Notwithstanding any details submitted, no construction of the superstructure shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - all external hard surfaces within the site;
 - means of enclosure;
 - soft landscape works including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - proposed finished levels or contours;
 - biodiversity enhancement measures, including Swift bricks; and
 - minor artefacts and structures (e.g. furniture, play equipment, lighting, signs, other units, etc.).

The agreed landscaping details shall be carried out as approved before the first occupation of the development or such other time if agreed with the Local Planning Authority. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from the date of planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed, shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be agreed with the Local Planning Authority.

- 6) No development shall take place until the tree protection measures identified on the B.S. 5837 Arboricultural Method Statement by Merewood Arboricultural Consultancy Services dated 30/07/24 and shown on TPP plan Rev B Aug 2024 shall have been installed. No equipment, machinery or materials for the development shall be taken onto the site until these tree protection measures have been installed. The works must be carried out according to the approved measures and thereafter retained until completion of the development and no materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved drawing.
- 7) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include assessment of significance and research questions; and should also include the following:
 - The programme and methodology of site investigation and recording
 - The programme and methodology of site investigation and recording as required by the evaluation
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under this condition.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured as agreed with the Local Planning Authority.

- 8) No development other than groundworks and footings shall take place until a Landscape and Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The

LEMP shall detail habitat retention and creation, as well as the proposed ecological enhancements to be incorporated into the design of the development. The development shall thereafter only be carried out in full accordance with the approved LEMP.

- 9) Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number ITB16373-GA-101 B within the Transport Statement (May 2024) and in accordance with HCC Design Guide. Furthermore, prior to the first occupation of the development hereby permitted, arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway, which shall be carried out as approved by the Local Planning Authority prior to the first occupation of the development.
- 10) Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number ITB16373-GA-101 B within the Transport Statement (May 2024). The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 11) Prior to the first use of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number ITB16373-GA-101 B only. Any other access(es) or egresses shall be permanently closed, and any footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access. This includes work to include two pedestrian dropped kerbs.
- 12) No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan/Statement. The Construction Management Plan / Statement shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;

- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted to and agreed in writing by the Local Planning Authority showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- 13) Any contamination encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible. If this occurs then a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended during this process, unless otherwise agreed in writing by the Local Planning Authority.
 - 14) The development shall not be occupied until details of electric vehicle charging points and associated maintenance arrangements for the development shall have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details. The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained and maintained in accordance with the approved details or replaced with similar charging equipment.
 - 15) Prior to the first occupation of the development hereby permitted the approved access, on-site car parking and turning areas, together with the cycle parking approved under Condition 4 above, shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter as available for that specific use.
 - 16) The development hereby permitted shall be carried out in accordance with the measures contained within the submitted Sustainable Development Checklist.
 - 17) No development, other than demolition and groundworks, shall take place until details of the surface water drainage system shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The development shall be implemented incorporating the agreed surface water drainage system prior to occupation of the development.
 - 18) No development, other than demolition and groundworks, shall take place until details of the renewable energy measures to be installed shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented incorporating the agreed renewable energy measures prior to occupation of the development.
 - 19) The windows serving landings at first and second floor level in the southern elevation of the development hereby permitted shall be non-opening and permanently fitted with obscured glass.

END OF CONDITIONS