

6. APPEALS UPDATE.

A. LODGED

4/02249/18/MFA

Marchfield Homes Ltd
DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 17
DWELLINGS (CLASS C3) AND ONE RETAIL (CLASS A1 SHOP) UNIT AND
PARISH STORE ROOM, FORMATION OF LAYBY TO CHAPEL CROFT AND
ALTERATIONS TO VEHICLE AND PEDESTRIAN ACCESSSES
GARDEN SCENE CHIPPERFIELD, CHAPEL CROFT, CHIPPERFIELD,
KINGS LANGLEY, WD4 9EG
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/02725/17/FUL

Mr Doolan
CONSTRUCTION OF A DETACHED ONE BEDROOMED, TWO STORY
DWELLING WITH ASSOCIATED PARKING.
REAR OF 19 DOWLING COURT, HEMEL HEMPSTEAD, HP3 9NF
[View online application](#)

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether or not the proposed development would provide a satisfactory living environment of future occupiers with particular regard to provision of private amenity space.

Reasons

Character and appearance

3. The appeal site lies at the end of the cul-de-sac of Dowling Court which consists of two storey properties in a linear arrangement along the street. The pattern of development of other properties along the same side of the street and on Deaconsfield Road which lies behind the appeal site is characterised by detached or semi-detached dwellings with long rear gardens.

4. The proposed building would be situated close to the boundary with 21 Dowling Court as well as the boundary to the rear of the site. It would also be located forward of the prevailing building line, close to the

boundary at the front of the site, leaving only a small area to the side for parking and private amenity space. Although there are a few examples of other properties in the area with small rear gardens, given the close proximity of the proposed building to three boundaries and the small private amenity space, the proposed building would appear overly large for the size of the plot such that it would appear discordant in an area generally characterised by large rear gardens. 5. While acknowledging that the proposed development would be of a higher density compared to Nos 1, 2 and 3 Deaconsfield Road and 12 to 26 Seaton Road, the appellant maintains that the difference would be marginal. However in terms of character and appearance, the proposed development would lack a front and rear garden, providing only a modest area to the side of the property adjacent to a parking space for private amenity space. The above mentioned dwellings on the other hand, have substantial front and rear gardens which follow the prevailing pattern of development, and give the appearance of being appropriately sized within their plots.

6. For the foregoing reasons the proposed development would be significantly at odds with and thereby harmful to the character and appearance of the area, and would therefore conflict with Policy CS12 of the Core Strategy 2006-2031 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 (LP) which among other things require developments to respect adjoining properties in terms of site coverage, scale and amenity space.

Living conditions

7. The appellant acknowledges that the private garden space of the proposed dwelling would be some 4.1m by 7.0m, which would fall substantially short of the recommended average minimum depth of 11.5m, as stated in Appendix 3 of the LP. This Appendix allows smaller private amenity spaces for small starter homes and infill developments, and since the proposed dwelling would be a 1 bedroom property located between existing dwellings, the provision could apply in this case. The proposed development would also be in close proximity to open land, which LP Appendix 3 also states as a criterion for allowing smaller gardens.

8. However the proposed private amenity space would be bound to one side by the 2 storey flank wall of the proposed dwelling, and on 2 sides by the existing fences which are approximately 1.8m high. Given the constrained size of the garden, these boundary conditions would result in a private amenity space that would feel confined and somewhat oppressive, particularly given that it would be smaller than most of the gardens of adjacent properties.

9. While LP Appendix 3 allows for smaller garden sizes in certain circumstances, the extent of the shortfall in this case would be significant, leading to unsatisfactory living conditions for occupants of the proposed dwelling. While vehicles are unlikely to be parked at the site permanently, the use of the parking space for private amenity space would still result in a garden depth that would fall substantially short of the recommended minimum depth stated in LP Appendix 3.

10. For the reasons given above, the proposed development would not provide a satisfactory living environment of future occupiers with particular regard to provision of private amenity space, and would conflict with Appendix 3 of the LP which seeks garden areas that are functional and compatible with the surrounding area.

11. While CS Policy CS12 deals with adjoining properties in terms of amenity space and other living conditions, it does not mention private amenity space of proposed developments. This Policy is therefore not directly relevant in this regard, such that I have not found the proposals to conflict with it. Other Matters

12. While the main parties accept that the proposed development would not harm the living conditions of neighbouring occupiers with regard to light, outlook and privacy, the lack of harm in this regard is a neutral matter that does not carry weight in favour of the development, and as such has not altered my decision. Conclusion

13. For all the reasons given above, the appeal is dismissed.

4/02926/17/FUL

MR STERLING

CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND DEMOLITION OF EXISTING GARAGE TO CREATE SITE ACCESS
GREYMANTLE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HF

[View online application](#)

Proposal: CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND DEMOLITION OF EXISTING GARAGE TO CREATE SITE ACCESS

Reason for refusal summarised:

The proposed development would cause significant harm to the character of the area by virtue of its form, height and siting which discord with the established building line and subsequently would appear as a bulky, prominent visual intrusion.

Proposal would harm the otherwise open and green character and appearance of the area and the soft

edge which exists between the built environment and the open countryside between the Green Belt.

The access and in-site turning arrangements would cause noise and disturbance to neighbours by virtue of the close proximity to the neighbouring properties Ivydene and Parkhurst.

The proposed access and turning arrangements would not allow for safe and practical access from the adjacent highway for future occupiers, refuse and fire safety vehicles. The access road would also be of such a length that this would cause significant problems for the health and safety of future occupiers and unpractical refuse collection provision.

Inspectors Report:

The proposal would intrude into the largely undeveloped stretch of garden land that acts as a soft landscaped buffer between the built form fronting onto Hempstead Road and the field behind it to the north-west. As a consequence, the scheme would appear isolated and out of character with the prevailing settlement pattern. This harm to the street scene would be evident through the large gap in the frontage of application site. This harm would be heightened by the height, bulk and scale of the side extension of the scheme, which would face Hempstead Road.

The access road exceeds the 20 metres maximum distance for reversal by a fire appliance vehicle and neither would it be possible for such a vehicle to access the site in forward gear and turn around. However, in accordance with the advice of the Herts Fire and Rescue Service, I am satisfied that a condition could be imposed requiring both properties to be fitted with sprinklers as a compensatory measure.

However, for cars to exit the site in forward gear, drivers would be required to reverse from each parking space into a turning area adjacent to the side elevation of the proposed dwelling closest to the public highway. This would hazardous and difficult manoeuvres that would compromise the safety of other drivers and pedestrians seeking to access both dwellings. Due to the narrow driveway (4 metres) vehicles would not be able to pass each other safely without reversing back out onto Hempstead Road. This danger would be intensified by the presence of a pedestrian door in the side elevation of Greymantle, which would result in occupiers having to exit the property directly into the path of oncoming vehicles.

The proposed access road would directly abut the side elevation of Greymantle, which has a pedestrian door and number of windows at ground and first floor. To my mind, the close proximity of vehicles entering and exiting the site would cause significant noise and disturbance to the occupants of this property, particularly at warmer times of the year when windows are kept open.

Although a range of awkward manoeuvres would be necessary for a vehicle to exit the site in forward gear, there would be a distance between the parking area and neighbouring properties at Parkhurst, Ivydene and Greymantle for this to not result in harmful noise and disturbance to the occupiers of these properties.

Given that the dwellings are set back approximately 35 metres from the public highway, and that it would be possible to provide acceptable bin storage locations that are within 50 metres of the highway boundary (to allow for the 25 metre maximum walking distances referred to above for occupiers and waste operatives). Refuse vehicles would not need to enter the site and could assume a safe position on the public highway.

5 year land supply:

Planning balance

In accordance with paragraph 68 of the Framework, I have given great weight in my assessment to the benefits of using suitable small and medium sized sites within existing settlements for homes. However, I am nonetheless satisfied, for the reasons outlined above, that it would not constitute an effective use of land in accordance with Paragraph 117 of the Framework, and neither do I consider that it would accord with Paragraph 122 which states that planning decisions should support development that makes an efficient use of land on the provision that takes into account the desirability of maintaining an area's prevailing character.

The appellant has supplied evidence of the Council acknowledging that it is unable to demonstrate a 5-year supply of deliverable housing sites as required by the Framework. I have as a consequence considered the development against the Framework's presumption in favour of sustainable development (Paragraph 11), but concluded that the environmental and social harm to the character and appearance of the area, highway & pedestrian safety and living conditions, would significantly and demonstrably outweigh the amount of social and economic benefits that the development would contribute, namely:- (a) the provision of an additional dwelling in a sustainable location on a small site within an existing settlement; (b) increasing the Borough's housing stock; and (c) local employment during construction.

4/03153/17/FUL

Braybeech Homes Limited
CONSTRUCTION OF TWO NEW SEMI-DETACHED THREE-BEDROOM
DWELLINGS AND ASSOCIATED ACCESS.

LAND TO THE REAR OF 21, 23 & 25 GROVE ROAD, TRING, HP23 5HA
[View online application](#)

The development sets itself apart from the distinctiveness of the surrounding area described under TCA13 New Mill West due to its perpendicular relationship with established linear development (including land to the rear of 27-33 Grove Road), the lack of front gardens as the frontage would be dominated by hardstanding associated with vehicular parking and turning, and their relatively 'top-heavy' overcomplicated roof forms which add unnecessary bulk when viewed in its context. Together with the rear setback the development (Plot 9) would give a dominant appearance towards the rear garden, would appear cramped, and the triangular shaped garden (of Plot 8) would be significantly different in size and shape to the surrounding area.

Plot 9 would give rise to visual intrusion and loss of privacy from the perspective of No. 1 Sinfield place. Plot 8 would overlook the rear gardens of terraced properties along Wingrave Road and New Mill Terrace which would represent a noticeable change above existing conditions.

Due to the size and proximity to neighbouring properties the rear gardens within the development would be considerably overlooked. Plot 8 would have a substandard rear garden compared with the surrounding area in terms of usability, size and shape, accentuated by the topography sloping downwards towards Wingrave Road.

F. ALLOWED

None