

A. LODGED

4/01801/16/FUL BRAYBEECH HOMES LTD
CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME)
LAND REAR OF 27-33, GROVE ROAD, TRING
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B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/02187/15/FUL CASH
CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN SITE FOR 8
GYPSY FAMILIES - EACH WITH TWO CARAVANS WITH CONSTRUCTION
OF A UTILITY BUILDING AND ASSOCIATED HARD STANDING.
LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD,
BOVINGDON, HEMEL HEMPSTEAD, HP3
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4/02222/16/ENA RUSS
CHANGE OF USE FROM ANCILLARY PARKING TO CAR SALES / CAR
WASH.
LAND OPPOSITE 127 HEMPSTEAD ROAD, WD4 8AL
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00269/16/ENA MR N MARTIN
APPEAL AGAINST ENFORCEMENT NOTICE - SCAFFOLDING USE
WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD,
HP1 3BB
[View online application](#)

This appeal related to the serving of an Enforcement Notice requiring the cessation of the commercial scaffolding business at Woodlands, Noake Mill Lane.

There were preliminary discussions before and during the first day of the Public Inquiry (25 May 2016) regarding the wording and attached map of the Enforcement Notice with the end result being that the allegation was altered to be a change of use of the site from residential to a mixed use of residential and commercial scaffolding business. The map was similarly varied so that the Notice not only attacked the

area where the scaffolding use took place (originally hatched green) but the entire land within the planning unit (outlined in red). The Public Inquiry resumed on 09 August 2016. Due to the need to adjourn the Public Inquiry the Inspector awarded a partial award of costs to the appellant for their work in preparing for and attending the first date.

The Inspector agreed with the Council that the appellant's business in relation to the storage and distribution of golf equipment at no point reached a scale whereby it became a primary use of the planning unit. As such the Inspector considered the description of the alleged breach (as amended in May) to be correct.

The appellant did not dispute that the operation of the commercial scaffolding business has occurred and is part of a mixed use. Accordingly, the appeal on ground (b) failed. The ground (d) appeal also failed as the appellant could not demonstrate 10 years continuous usage for the alleged use (mixed use residential / commercial scaffolding business).

In terms of the ground (c) appeal the assessment to be made related to the change, if any, in the definable character of the use of the land between the primary residential use and the commercial scaffolding business. The Inspector was not persuaded that, on the balance of probability, outside storage was a regular feature of the appellant's business for the storage and distribution of golf equipment. The evidence indicated that, on the balance of probability, a significant percentage of the appellant's business for the storage and distribution of golf equipment took place entirely off-site and that the stock which was delivered to Woodlands was largely stored within the outbuildings. In contrast, the scaffolding business results in a significant amount of outside storage in the yard, a visible presence from outside of the site, frequent deliveries by large vehicles and the generation of noise through the handling of metallic products. In the Inspector's view, as a matter of fact and degree, the character of the use of the appeal site for a mixed use of residential and commercial scaffolding business is materially different from the use of site for residential with an ancillary business use for the storage and distribution of golf equipment. As such the Inspector concluded that the introduction of the scaffolding business has resulted in a material change in the definable character of the residential use of the land, that a material change of use has occurred, and that the ground (c) appeal had to fail.

The ground (f) appeal was also unsuccessful as the Inspector agreed with the Council that the Notice did not attack an office use ancillary to the residential use of the site and that varying the Notice was unnecessary. Finally the Inspector extended the period for compliance from 2 months to 4 months, balancing out the need for the appellant to find alternative premises and the harm the scaffolding use causes to the neighbouring property.

4/00379/16/FUL SWIERK
DEMOLITION OF EXISTING DWELLING AND ERECTION OF 4 x 3 BED
HOUSES WITH INTEGRAL GARAGES AND AMENITY SPACES
THE CHILTERN, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED,
HP4 3SR
[View online application](#)

Application for costs dismissed

Visual Appearance:

The Appeal A scheme would involve four terraced properties fronting onto Covert Road with a footprint that would go significantly beyond the building line of the existing property towards Covert Close and Covert Road. The current landscaping to the side of the existing property would be greatly eroded by both the new properties and hardstanding for parking. While some soft landscaping would be retained in front of the properties, it would be a fraction of the existing greenery.

Terraced dwellings would be incongruous for the area.

Development would be very prominent and thus visually intrusive within the surrounding area.

Appeal B scheme front Covert Close would be more in keeping with the area and building line front and back would largely mirror the building line of the existing property.

However, the Plot 3 dwelling would be positioned mostly beyond the side building line of the existing property, greatly eroding the current open space and landscaping.

The amount of private external spaces would be very restricted.

The development proposed in Appeal B would be cramped, very prominent and visually intrusive.

In both schemes, the density and form of development would not be compatible with the surrounding area. The effect of both appeal schemes on the character and appearance of the area would be harmful and thus would not accord with Policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy.

Residential Amenity

Due to the proximity of the existing property and the north-east orientation of the front elevation of No 10, the amount of daylight and sunlight to the front elevation of No 10 is already restricted.

Views from No.53 are screened by vegetation and are at an angle rather than face on.

There is a considerable gap between the Dell Road properties and the existing property, with little effect on light levels as a result.

Scheme A The dwellings would occupy much of the width of the appeal site between Covert Close and the side boundary of No 53. This would result in a longer and bulkier rear elevation facing towards No 10 and No 53 than the side elevation of the existing property. The view from the front elevations of No 10 and No 53 would be more dominated by built development, which would only be partially offset by screening and the position of the dwellings. The view from No 53 would be oblique and less harmed than the direct views from No 10, but there would be harm to living conditions of occupiers of both properties in terms of outlook.

Scheme B The Plot 1 dwelling would be marginally nearer to the shared boundary with No 10 than the existing property, but would be markedly taller and deeper. The view from the front elevation of No 10 would thus be more dominated by built development than it currently is, while the proximity and greater size would worsen effects on daylight if not sunlight due to the orientation.

Concluding on this main issue, both appeal schemes result in harmful effects to the living conditions of occupiers at 10 Covert Close, 53 Covert Road and 1A, 1B, 1 and 3 Dell Road. Therefore, both appeal schemes would not accord with Policy CS12 of the Core Strategy which, amongst other things, requires development to avoid visual intrusion, loss of daylight and loss of privacy to surrounding properties. The schemes would also be contrary Appendix 3 of the Local Plan which seeks a good layout and design of residential areas, and would not meet the aims of the NPPF which seeks a good standard of amenity for existing occupants of land and buildings

4/01012/16/FUL

MRS A SWIERK

DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 X 4 BED HOUSES INTEGRAL GARAGE AND AMENITY SPACE (AMENDED SCHEME)

THE CHILTERN, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED, HP4 3SR

[View online application](#)

Application for costs dismissed

Visual Appearance:

The Appeal A scheme would involve four terraced properties fronting onto Covert Road with a footprint that would go significantly beyond the building line of the existing property towards Covert Close and Covert Road. The current landscaping to the side of the existing property would be greatly eroded by both the new properties and hardstanding for parking. While some soft landscaping would be retained in front of the properties, it would be a fraction of the existing greenery.

Terraced dwellings would be incongruous for the area.

Development would be very prominent and thus visually intrusive within the surrounding area.

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4/01501/16/FHA

MR & MRS LLOYD-TOWNSHEND
DETACHED GARAGE
HASTOE HILL HOUSE, HASTOE HILL, HASTOE, HP23 6LR
[View online application](#)

Decision

1. The appeal is dismissed.

Main issues

2. The parties appear to agree that the proposal would be inappropriate development in the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless for one of the stated exceptions. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

3. Policy CS5 of the Core Strategy (2013) (CS) allows for small scale development including limited extensions to existing buildings and Policy 22 of the Dacorum Borough Local Plan (2004) (LP) states that extensions to dwellings in the Green Belt should be limited in size, taken as less than 130% of the floor area of the original dwelling. The Council has clarified that curtilage buildings are treated as an extension to the dwelling and that having regard to extensions that have taken place or been permitted at the property, the limit set by LP Policy 22 has already been exceeded. The proposed garage would be a disproportionate addition and therefore inappropriate development. Paragraph 88 of the Framework clarifies that substantial weight is to be given to such harm.

4. Therefore, the main issues are (a) the effect on Green Belt openness and Chilterns Area of Outstanding Natural Beauty (AONB) and (b) whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations

Reasons

5. The appeal site occupies an isolated and elevated location in open countryside some 2 km from the town of Tring. The existing large detached house is Appeal Decisions APP/A1910/D/16/3159701

currently undergoing extensive refurbishment. The site lies in the Green Belt and Chilterns Area of Outstanding Natural Beauty.

Effect on Green Belt openness and Chilterns AONB

6. The proposed garage would be constructed of black painted timber boarded elevations with brickwork plinth and roof tiles to match the main dwelling. It would have a ridge height of around 5.5 metres with depth of 6.3 metres and width of 9.6 metres. It would be sited close to the western, roadside, boundary of the property, which is marked by an existing hedge and would occupy higher ground than the existing house to the north which is separated from the front garden area and driveway by a small grass bank and hedge.

7. Currently, the front garden area of the property is devoid of buildings with open views of the countryside to the east. Although the proposed garage would not be readily visible from Hastoe Lane, its roof would likely be visible above the boundary hedge. Therefore, both in actual and visual terms, the proposed garage would not maintain the openness of the Green Belt. In this regard there would be further conflict with CS Policy CS5 and LP Policy 22 which seek to protect the openness of the Green Belt and maintain the open character of the countryside. Whilst noting the generally subordinate nature of the proposed garage compared to the dwelling, in accordance with paragraph 88 of the Framework, substantial weight is to be given to this harm.

8. However, the traditional design of the building and materials to be used in its construction are sympathetic to the character and appearance of this rural part of the Chilterns AONB. Therefore, I find that it would comply with LP Policy 97 which seeks to ensure that the beauty of the AONB is conserved and that any development is satisfactorily assimilated into the landscape and sympathetically sited and designed.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

9. The appellant has clarified that the garage is required to provide secure storage for two high value cars. It is a requirement of the insurance company that the vehicles are garaged overnight whilst at the home address in view of the high risk of theft. Whilst I agree that security is an important matter, such circumstances are not unusual and, in this regard, I note that the refurbishment works to the dwelling include the conversion of what was an existing garage. Furthermore, the proposed building appears to be larger than is necessary to simply accommodate two cars.

10. In my view the harm by reason of inappropriateness and harm to openness of the Green Belt is not outweighed by these other considerationconsiderations and very special circumstances have not been demonstrated.

11. I therefore conclude that this appeal should be dismissed.

F. ALLOWED

4/00069/16/FUL BRAYBEECH HOMES LTD
 CONSTRUCTION OF SIX FOUR BED DWELLINGS
 LAND REAR OF 27-33 GROVE ROAD, TRING
[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for the construction of six dwellings comprising four detached and two conjoined at Land to the rear of 27-33 Grove Road, Tring, Hertfordshire HP23 5HA in accordance with the terms of the application, Ref 4/00069/16/FUL, dated 8 January 2016, subject to the conditions set out at the end of my decision.

Application for costs

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

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The site lies towards the northern end of Tring, and is located in a triangle of land between Grove Road and Wingrave Road. The site comprises the partial

back gardens of Nos 27-33 Grove Road. Access would be gained through a new driveway constructed between Nos 27 and 29, where an existing garage stands at present.

5. The character of the area is fairly mixed, with a range of dwellings present. To the south of the site lies Grove Gardens, a fairly modern sinuous estate which uses the same triangle of land between Grove and Wingrave Roads, albeit in a larger area as this is located further from the junction of the two roads. Grove Road itself has a wide range and ages of housing located on it, with Nos 33-35 being semi detached dwellings with flat roofed porches, Nos 29-31 having hipped roofs and double height canted gabled bay windows to front, and No 27 being an older detached property. The age and variety of houses continues along the street, with a range of detached and semi-detached dwellings, including modern houses and a detached bungalow. Wingrave Road, at least on its eastern side, is more regularised, with an attractive broken row of terraced properties forming New Mill Terrace.

6. There is a reasonable drop in levels between Grove Road and Wingrave Road. Whilst the rear part of the southern area of the site is set on a similar level to Grove Road, the northern area of the site drops noticeably. Beyond the site the land continues to drop towards New Mill Terrace. These properties are set above the height of Wingrave Road. On my visit I walked the garden of No 26 New Mill Terrace, which climbs appreciably towards the site boundary. The gardens that the site comprises are all reasonably mature and have a range of landscaping present. There are also a range of mature trees on the rear boundary of the site, including some trees within the site itself, and a fair number located on the other side of the boundary line in the ownership of adjacent properties.

7. The Dacorum Borough Local Plan 1991-2011 was adopted in 2004 (the Local Plan). Supplementary Planning Guidance (SPG) in the form of Area Based Policies was adopted around the same time. Appendix 3 of the Local Plan concerns the layout and design of residential areas and states that proposals should be guided by the existing topographical features of the site and its immediate surroundings, respecting the character of the area and ensuring proper space for the proposed development without creating a cramped appearance, whilst introducing variety and imagination in layout and design. SPG4 concerns development in residential areas and is intended to complement and amplify the provisions of the Local Plan.

8. Within SPG4 both parties are in agreement that the appeal site lies within the Tring Character Area (TCA) 13, New Mill West. TCA13 states that the area mainly comprises of small developments of terraced housing of varying ages. Houses are mainly two storeys, staggered in layout, with spacing of less than 2m. The assessment states that the area has a limited opportunity for residential development, where infilling may be acceptable according to the development principles. These development principles state that there is scope for variation and innovation in housing design, that terraced dwellings are encouraged, and properties should not exceed two stories in height and the existing layout structure should be maintained throughout the area. Density would be acceptable in the medium range of 30-35 dwellings per hectare.

9. The proposal seeks to construct 6 dwellings, with 4 detached properties and 2 semi-detached dwellings. The properties would be 2 ½ storeys in height, with rooms in the roof space served by rooflights and small dormers. Subject to appropriate materials, I consider that the design of the dwellings would add to the varied character of the surrounding area, and although larger properties in footprint, would not appear radically dissimilar to the fairly new properties in nearby Sinfield Place, with part gabled frontages and prominent ground floor square bay windows, and dormer windows in the roof to rear. Whilst the height of the dwellings may be higher than some of those in the surrounding area, the site sections demonstrate that such heights would be similar to those of the properties on Grove Road, and due to the levels of the site would ensure that the proposed units would appear subservient to these frontage properties from the main road.

10. The proposed dwellings would be set in a rough line to follow the access road, facing towards the rear of the properties on Grove Road. Spacing between the properties would be less than 2m at the building's façades. Plots 1-4 are

located in a shallower part of the site and back onto the rear of properties on Grove Gardens, whilst Plots 5-6 back onto the rear gardens of properties in New Mill Terrace. As a consequence, Plots 5 & 6 would have longer gardens than Plots 1-4 would have. The density of the site is stated to be 29.41dph, slightly lower than the principle within TCA13.

11. The Council note that long linear gardens are a fundamental part of the character of this area of Tring. To a limited extent I agree with this statement; some of the existing houses on Grove Road and New Mill Terrace do have long gardens. However, this is a reflection of the pattern of development leading off the two roads of Grove Road and Wingrave Road, and the triangle of land that is formed between the roads. As a consequence, whilst gardens in the direct vicinity of the site are fairly long, lengths are reduced the closer you get to the junction of the two roads to the north and within the Grove Gardens development to the south.

12. The gardens of the proposed units would be of a reasonable size and equate to many of the surrounding properties to the south of the site, providing a good standard of amenity to the future residents of the proposal. The ratio of built form to site area is some 25%, according to the appellant's figures. This would appear reasonable given the prevailing character of the area, and would provide each property with acceptable amounts of amenity space, making sure that the site would not appear cramped or overdeveloped. The landscaping set between parking spaces and the amounts of gardens proposed would ensure that hard surfaces would not dominate the site.

13. Distances between the windows on the front of the house and rear windows on the properties fronting Grove Road are in a range from a minimum of just under 20m to around 25m. To the rear, windows are set at a reasonable distance from the closest properties on Grove Gardens. Due to the site levels, there is potential for overlooking to occur from the proposed properties towards those set on lower ground, such as New Mill Terrace. However, these properties are set further away from the site than Grove Gardens, at a distance of some 55 metres away, according to the appellant's figures. At such distances the proposal would have little effect on overlooking or sunlight levels, and this distance would also be softened by the extensive landscaping set on or near the rear boundary of the site, which could be supplemented by condition.

14. Whilst the proposal would introduce a new building line into the area, this would be linear and similar therefore to those fronting Grove and Wingrave Roads, and whilst the proposal may include a slightly higher proportion of detached properties than the surrounding development, this would not be significantly higher and not dissimilar to parts of Grove Gardens. I also note that the building lines in Grove Gardens to the south of the site are also varied and sinuous, and do not follow the linear lines of the development further north. Whilst therefore the proposal may be of a partially different spatial pattern to some surrounding development, this would not be at odds with the overall character and rhythm of the surrounding area.

15. To all intents and purposes therefore the site would be similar to, or match the prevailing character of the area. Density of the site would be at a comparable level to the surrounds, and the design of the properties would also assimilate well into the local character. The heights of the proposed properties, whilst not strictly two storey, would match other similar modern housing set nearby and the spacing between dwellings would be similar to the prevailing character of the area. Gardens would be of a reasonable size and overall the proposal would not appear as overdevelopment of the site or contrived or cramped.

16. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The proposal would comply with Policies CS11 and CS12 of the Dacorum Borough Council Core Strategy 2006-2031, 2013 (the CS), which together state that development should respect the typical density intended in an area, coordinate streetscape design between character areas, integrate with such character, and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, landscaping, and amenity space. The proposal would also comply with SPG4 TCA13, Appendix 3 of the Local Plan, and with the National Planning Policy Framework (the Framework), which states as core planning principles that planning should take account of the different roles and

characters of different areas, and always seek to secure high quality design.

Other Matters

17. Appendix 3 of the Local Plan states that minimum distances of 23m between the main rear wall of a dwelling and main wall of another should be met to ensure privacy. This would be met by the proposed development, with the exceptions of Plot 1 and 2 to the rear extension of No 33 Grove Road and the rear of Plots 1-3 to the back of properties on Grove Gardens. However, the windows in the rear of Grove Gardens that are closest to the proposed properties do not serve habitable rooms. The windows on Plots 1&2 closest to No 33 would serve bathrooms and would therefore be obscured. Such matters could be conditioned.

18. Given the changes in levels between the site and New Mill Terrace, the mass of the proposed houses would have the potential to appear larger when viewed from these properties. On my visit I viewed the site from the rear of No 26 New Mill Terrace and from an upstairs, second floor bedroom window from an adjacent property. It is clear that the proposed houses would be visible from these vantage points. However, when considering the distance between these dwellings and the existing and proposed landscaping I consider that such views would not be overbearing. When combined with the distances stated in paragraph 13 above, I do not consider therefore that the proposal would have an adverse effect on the living conditions of nearby residents in terms of outlook or overlooking. Landscaping would also help to ensure that privacy levels are maintained for the rear gardens of the properties on Grove Road in front of, or close to, the site.

19. My attention is drawn to paragraph 53 of the Framework. This paragraph states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. However, this is not the case in this instance, where I have concluded that the proposal would comply with the relevant development plan policies.

20. Comments are made regarding the mix of proposed housing, and the lack of affordable housing within the scheme. Policy CS19 of the CS states that affordable homes will be provided on sites of 5 dwellings or more, although judgements about the level mix and tenure will have regard to the overall viability of the scheme. At the time of their decision the Council were content with the details contained within a submitted economic viability assessment which demonstrates that the site would not be viable with an affordable housing contribution. Furthermore, in this respect I also note the contents of the Government's Planning Practice Guidance, which states that contributions for affordable housing should not be sought from developments of 10 units or less.

21. An ecological survey¹ was submitted with the application. This survey notes that the site is dominated by amenity grassland with areas of ornamental planting, and considers the site to be of negligible ecological value with a moderate likelihood of supporting breeding birds. The survey recommends that bird boxes are sited on the appeal site, and habitat enhancement measures are carried out. A separate Bat survey² was also carried out to consider if any outbuildings on the site were likely to be used by roosting bats. This survey concluded that one building, the garage that would need demolishing to allow the proposed access to be constructed, has low habitat value and recommended an emergence survey be undertaken between May-September.

22. Subsequently such a survey has been undertaken³. This survey did not detect any bats emerging from the garage or any other structures or features on the site, although bats were detected commuting past and foraging around the site having travelled from other nearby habitats. I therefore conclude that, with the imposition of suitable conditions, the proposal would conserve biodiversity.

23. Concern is raised over matters of drainage. I can appreciate that given the low lying nature of New Mill Terrace in relation to the site that the development of the proposal could lead to adverse impacts in terms of water run off from the site. The application notes that sustainable urban drainage techniques will be utilised. Such matters could be conditioned to ensure that full details are approved by the Council prior to development commencing.

24. The access to the proposed site would be located between Nos 27 and 29 Grove Road. At this location the speed limit is 30mph and visibility is

reasonably good in both directions. Following the submission of further details the highways authority raised no objection to the proposal subject to the imposition of various conditions including visibility splays, a swept path analysis of the access and a Stage 1 safety audit. They are therefore content for such matters to be conditioned, and all such conditions would be both reasonable and necessary to ensure that the proposal has no adverse impact on highway safety and that safe access and egress from the site was created, including for emergency vehicles if necessary, and ensuring that visibility splays are adequate and maintained.

25. The proposal would build 6 houses and provide 3 off street car parking spaces for each property, including an integral garage and two spaces on a driveway. This would be ample parking for such a development located within a reasonably sustainable location. The amount of traffic generated by the scheme would not be significant, and I do not consider that this amount of traffic, particularly when coupled with the low speeds that vehicles would be accessing the proposed dwellings due to the street layout, would adversely impact upon the living conditions of neighbouring residents with regards to noise and disturbance.

26. A near neighbour raises concerns over the lack of enforcement relating to the planting of trees at Sinfield Place, and considers that this situation could occur similarly with the proposal in this case. However, I consider the landscaping proposals to be made in good faith. Such matters would be committed to via condition, and it is the local planning authority's responsibility to ensure that the details agreed under such conditions are fully implemented.

27. Concern is also raised over matters of precedent, with references made to adjoining gardens which could be developed. Reference is also made to a new potential scheme for the same site which has fewer dwellings proposed. However, each case must be dealt with on its own merits. I have considered the proposal on the basis of the information provided to me.

Conditions

28. I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of the character and appearance of the area, I have also imposed a condition requiring materials to be used for the external surfaces of the proposal to be agreed by the local planning authority. For the same reason, I have also imposed conditions requiring details of hard and soft landscaping, including full details of all trees to be planted and retained on the site, and proposed boundary treatments to be agreed with the local planning authority prior to development taking place. A condition is also imposed to ensure that any landscaping which fails within 5 years of planting will be replaced. Such conditions are also necessary for biodiversity reasons and in the interests of the living conditions of surrounding residents.

29. The Council's contaminated land officer considers that as the site is located within the vicinity of potentially contaminative former land uses, conditions should be imposed to ensure that any contamination on the site is considered, and dealt with, prior to the development taking place. Given the proposed residential use of the site I consider such conditions to be both reasonable and necessary, in the interests of both the living conditions of the future occupiers of the proposal and the water environment.

30. As stated above, I have also imposed conditions relating to highway issues, in the interests of highway safety, and a condition to ensure that the recommendations of the ecological survey are carried out, in the interests of biodiversity. To ensure that the living conditions of neighbouring residents are protected, I have imposed the Council recommended conditions to ensure that the bathroom windows in plots 1-5 are fitted with obscured glass and retained, although I have amended this condition slightly to remove reference to a bedroom window of Plot 1, which would not be set any closer to the rear of properties in Grove Gardens than Plot 2.

31. The Council have recommended conditions are imposed to withdraw permitted development rights for the proposed properties for various classes of development, as well as to ensure that the garages should be kept for car parking. Paragraph 200 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises

that conditions restricting the future use of permitted development rights or changes of use 'will rarely pass the test of necessity and should only be used in exceptional circumstances'.

32. The proposed conditions would restrict the enlargement, improvement or other alteration to the proposed houses, roof additions and alterations, the construction of porches, outbuildings, gates, walls and fences, means of access to a highway and the painting of the exterior of any house. The permitted development rights the Council seek to restrict are therefore fulsome and wide ranging. The reasons provided for such conditions are to enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

33. Given the proximity of neighbouring residents I consider that the restriction of Schedule 2 Part 1 Classes B & C concerning roof extensions is necessary in this case. I also consider that there is clear justification for restricting permitted development rights concerning the use of the integral garages, given highway safety matters and the need to ensure adequate parking provision for each property within the overall site. However, I fail to see how the restrictions on the other stated permitted development rights are necessary and there does not appear clear justification for doing so. I have therefore amended the first condition to only such matters. I have also updated both conditions to refer to the 2015 order.

34. Finally, I have imposed a condition requiring details of surface water drainage to be submitted to and agreed by the local planning authority prior to commencement of development. Such a condition was suggested in the Council's Officer's report to committee but not in their list of recommended conditions. Drainage, as referred to above, was raised by various interested parties including the Town Council, and I consider that such a condition is both reasonable and necessary in the interests of the water environment and the living conditions of neighbouring residents.

Conclusion

35. I have concluded that the proposal would not have an adverse effect upon the character and appearance of the area. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

4/00173/16/FUL

MR MILLS

CONSTRUCTION OF ONE 2-BEDROOM DETACHED HOUSE
115 COWPER ROAD, HEMEL HEMPSTEAD, HP1 1PF

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This appeal related to the construction of a two-bed detached house in an infill plot within the urban area of Hemel Hempstead. The Inspector accepted that the new house would appear noticeably smaller than the majority of the buildings surrounding it, but felt that there would be limited public vantage points where this would be apparent. Furthermore, the buildings small size, as well as its set back, meant that that it would not appear cramped within its surroundings. The Inspector also considered that in its context of adjoining spacious gardens it would not result in a pattern of development which would harm the established character nor appear as one which is over intensive in its setting. The Inspector also accepted that the rear garden would be shorter than the 11.5m depth sought in Appendix 3; however he did not consider this problematic because the small size of the dwelling meant adequate functional amenity space would be provided, especially if marketed as a 'starter home'. Finally the Inspector considered that outlook and light would not be reduced to such an extent that would materially harm the living conditions of No.11. For these reasons the Inspector allowed the appeal, attaching 10 conditions.