

## Appeal Decision

Site visit made on 13 June 2016

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 September 2016

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**Appeal Ref: APP/A1910/W/16/3145385**

**Land rear of 126-132 George Street, Berkhamsted, Hertfordshire HP4 2EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Rivergate Homes Limited against the decision of Dacorum Borough Council.
  - The application Ref 4/03464/15/FUL, dated 20 October 2015, was refused by notice dated 14 March 2016.
  - The development proposed is a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. From all the representations submitted, and my inspection of the site, the main issues are:
  - (i) The impact on the living conditions of the occupiers of the neighbouring properties with particular regards to the loss of light, outlook and privacy,
  - (ii) The effect of the development on highway safety, and
  - (iii) The effect of the development on the character and appearance of the area including the Berkhamsted Conservation Area.

### Reasons

*Living conditions of the occupiers of the neighbouring properties*

3. The appeal site is located in the rear gardens of 126-132 George Street (Nos. 126-132) within the Berkhamsted Conservation Area (the CA).
  4. Policy CS12 of the Dacorum Core Strategy 2013 (the Core Strategy) seeks to ensure that development demonstrates a high quality design that protect the amenity of neighbouring properties by avoiding visual intrusion, loss of daylight, sunlight and privacy.
  5. The proposed two storey dwelling would be located about 7.5m from the main living room and bedroom windows on the front elevation of the properties at 1 and 2 William Street (Nos. 1 and 2) directly opposite the appeal site. The Council have no set separation standards in this situation.
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6. The properties at Nos. 1 and 2 currently have uninterrupted views over the gardens at the rear of the properties on George Street that provides space and light between the properties. Evidence provided by local residents shows that the 25 degree line from the mid-point of ground level windows of Nos. 1 and 2 would be breached<sup>1</sup>.
7. The appellant argues that a similar relationship already exists between the existing properties along William Street. I viewed the appeal site from inside Nos. 1 and 2 and I am not persuaded by the appellant's arguments. While I accept that the 25 degree assessment is only guidance, given the modest size of the windows at Nos. 1 and 2, the height of the proposed dwelling, the distance between the properties and the orientation of the buildings, the proposed dwelling would dominate the views from the rooms severely restricting the outlook and available light for these windows. This would reduce the amount of daylight and, to a more limited extent, sunlight reaching the main habitable rooms at Nos. 1 and 2, and introduce a dominant and enclosing structure in close proximity.
8. I consider, however, that the distance involved and the relationship between proposed and existing properties would be sufficient to ensure that an acceptable level of privacy would be maintained for the occupiers of the neighbouring properties.
9. Notwithstanding that I find no harm as regards privacy, I conclude that the proposed dwelling would cause harm to the living conditions of the occupiers of the neighbouring properties with regard to outlook and light. It would, therefore, be contrary to Policy CS12 of the Core Strategy for the reasons set out above.

*Effect of the development on highway safety*

10. Policy CS12 of the Core Strategy seeks to ensure that new development proposals provide a safe and satisfactory means of access for all users and provide sufficient parking.
11. William Street is a short unmade road with width of approximately 3m, bounded by grass verges, with no parking restrictions and no footpath provision. It is evident from my site visit (which took place on a weekday morning) that there is very limited off-street parking in the area with parking on both sides of William Street and George Street.
12. The proposed dwelling would be served by two tandem car parking spaces of limited width. I note the appellant's and Council's comments that the number of spaces would be in accordance with the Council's residential car parking guidelines for the proposed dwelling. However, the access arrangements and turning area for the parking spaces would be restricted by the width of the road and the unrestricted on road parking in the immediate vicinity of the appeal site. No swept path analysis or other similar evidence has been submitted by the appellant to show that the car parking spaces for the proposed dwelling would work in such restricted circumstances.
13. No. 132 George Street currently has two parking spaces, comprising a single prefabricated garage and concrete hard standing alongside it. The proposal

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<sup>1</sup> Building Research Establishment – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

would effectively provide only one replacement off-street parking space for No. 132. The new access for this parking space would potentially result in the loss of further off-street parking along William Street. Overall, I consider that the increased pressure on, and loss of off-street parking in this instance, is not considered to be acceptable.

14. Paragraph 32 of the National Planning Policy Framework (the Framework) states that decisions should only be prevented or refused on transport grounds where the residual impacts of development are severe. In view of the scale of development and the evidence before me, it is evident that the impact of the development on highway efficiency would not be severe. However, paragraphs 32 and 35 of the Framework go on to state that decisions should also take into account whether safe and suitable access to the site can be achieved for all people. I consider that this cannot be achieved in this case due to the restricted width of the road, proposed parking arrangements and the loss of on-street parking in the area. The increased competition for scarce spaces would be likely to result in unnecessary travel, with motorists driving around nearby residential streets looking for available spaces and with attention diverted towards finding somewhere to park rather than on road conditions. These factors lead me to conclude that there would be significant harmful road safety implications arising from the proposal.
15. I note the appellant's comments about the parking arrangements and that the Council raised no highway objections. However, I have assessed not just the numerical provision but the local prevailing circumstances, and I consider that their findings would not outweigh the site's significant shortcomings I have identified in this case.
16. Consequently, I conclude that the proposal would have a detrimental effect on highway safety. The proposal would therefore be contrary to Policy CS12 of the Core Strategy for the reasons set out above. In addition, it would not comply with paragraphs 32 and 35 of the Framework, which seeks to ensure that a safe and suitable access to the site can be achieved for all people.

#### *Character and appearance of the area*

17. Policies CS11 and CS12 of the Core Strategy seek to ensure that new development is well designed and integrated with the existing properties and the character of the streetscape and the surrounding area. Policy CS27 seeks to ensure that development will positively conserve and enhance the appearance of conservation areas and the setting of designated and undesignated assets.
18. The appeal site is located in a mature well-established residential area, alongside a short terrace of mid-20<sup>th</sup> century two storey dwellings set close to the road. These are identified in the Berkhamsted Conservation Area Appraisal 2014 as modern houses with no special interest. Two sets of semi-detached properties are located on the opposite side of the road, with two of the properties at No. 3 and 4 being identified as locally listed buildings. The blank gable end of the two storey terrace properties on George Street are situated tight to either side of the entrance to the road. Whilst the road provides some sight of the canal towards its end, it is nonetheless typically characterised by a sense of enclosure as a result of the buildings to the road edge, boundaries and trees.

19. The proposal would entail the construction of a two storey detached dwelling. The scale, proportion and massing of the proposed dwelling would be similar to the adjacent properties in William Street. The appeal site is comparable in size to the plots in William Street, although it is not as large as the nearby generous garden plots on George Street. I do not consider that the appeal site would lead to an inappropriate density in this context. The Council state that the proposed private amenity space for this development would be adequate and I have no reason to form a contrary view on this matter. I therefore consider that the appeal proposal and its site would not appear cramped or contrived.
20. The front elevation of the proposed dwelling would be positioned on a similar front building line with the adjacent properties. Whilst the proposed roof ridgeline of the dwelling would be slightly higher than the adjacent properties at Nos.5-8, with the proposed traditional form and detailing, the dwelling would not appear visually intrusive or overly prominent. The proposed features are similar to those on properties in the area and would have enough detailing to sit comfortably and retain the sense of place and identity of the area. I therefore do not consider that the detached design and layout of the dwelling would appear significantly at odds with the neighbouring terraced and semi-detached properties.
21. The loss of the trees and green space on the site has been raised by a number of local residents. However, an arboricultural assessment has been submitted that shows the three trees to be lost have limited value. The proposed scheme includes replacement tree planting and the remaining trees to be retained could be protected by appropriate conditions.
22. I consider that the proposed development would not be out of keeping with the street scene and the surrounding area. I find that the appeal scheme would be sufficiently modest such that the proposal would preserve the character and appearance of the CA. The proposal would preserve the setting of the adjacent locally listed buildings.
23. I therefore conclude that the development accords with Policies CS11, CS12 and CS27 of the Core Strategy, which seek amongst other things, to ensure that new development is well designed and integrated with the existing properties and the surrounding area and will positively conserve and enhance the appearance of conservation areas.

### **Conclusion**

24. Notwithstanding my findings on the character and appearance of the area, this does not outweigh the harm I have identified to the living conditions of the occupiers of the neighbouring properties with particular regards to the loss of light and outlook and highway safety. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR