



Appeal Decision

Site visit made on 5 March 2019

by **G Jenkinson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 June 2019

Appeal Ref: APP/A1910/W/18/3218673

96 Longfield Road, Tring, HP23 4DE

- 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 AJPT Construction Ltd against the decision of Dacorum Borough Council.
 - The application Ref 4/01301/18/FUL, dated 23 May 2018, was refused by notice dated 20 September 2018.
 - The development proposed is demolition of existing dwelling and construction of 4 No two bedroom flats and 3 No 1 bedroom flats and associated access arrangements.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal submission was amended during the life of the application to reduce the number of units from that originally proposed to four two bedroomed units and three one bedroomed units. I have therefore used this revised description in the above heading and considered the appeal on that basis. I also note that the Council issued a corrected decision notice and whilst this did not change the reasons for refusal it was issued to acknowledge the status of the amended plans in the decision. I have made my determination on the basis of the revised number of dwellings and in respect of the amended plans.
3. Since the appeal was lodged the Government has published an updated revised National Planning Policy Framework (The Framework). The changes do not affect the consideration of this appeal, however any reference to the Framework in this decision shall be taken to refer to the 2019 publication

Main Issues

4. The main issues relating to this appeal are the effect of the development on:
 - a) the character and appearance of the area;
 - b) the living conditions of adjacent residents in respect of outlook, noise and parking stress.

Reasons

Character and Appearance

5. Longfield Road is a straight residential street with two-storey detached, semi-detached and terraced dwellings typically set close to the street and with long,

generally mature rear gardens. Flatted developments exist in the vicinity though these are somewhat of an anomaly in the street scene, particularly at the Orchards where development rises to three storeys. The appeal site comprises a chalet bungalow; which is in a poor physical condition and is set within a generous plot. The site backs onto Cherry Gardens a development of bungalows arranged in a cul de sac but located virtually on the rear boundary of the appeal site.

6. The appeal proposal seeks redevelopment of the site for 7 flats within an 'H' shaped three level building connected by a staircase link and with the third level consisting of rooms in the roofspace. The dwelling mix would comprise four two-bedroom dwellings and three one-bedroom dwellings. Access would be from Longfield Road and would serve on site parking to the rear of the building providing a total of nine spaces. Part of the garden would be retained as open space.
7. The appellant has sought to respond to the Councils' concerns by amending the scheme from 8 flats, making amendments to reduce the bulk, height, footprint, roof pitch, glazing and proposing acoustic fencing to the rear and north eastern boundary.
8. The proposed parking area within the rear part of the site would replace the currently secluded garden of the original dwelling. The existing regularly shaped garden of the appeal site is surrounded on all three boundaries by the private gardens of adjoining residential properties including Nos 94 and 98 Longfield Road and Nos 3,4 and 5 Cherry Gardens. In this context the parking of up to eight vehicles (the ninth is at the front) would substantially alter the character of the site which is currently a verdant private space utilised by a single dwelling. The nature of the immediate area in visual terms would thereby change significantly.
9. The proximity of Orchard Gardens with a similar parking area to the rear, however, as I have already said above is somewhat of an anomaly within the street scene and not one that, in my view, should be repeated. Rear parking areas are often areas that can attract crime and unsociable behaviour and even if gated, at this location it would appear completely out of keeping with the character and appearance of the area.
10. The proposed layout incorporating a car parking and turning area to the rear proximate to the side boundary would replace an area of existing private residential garden, in its immediate context, the development would significantly alter and adversely affect the character and appearance of the site, the surrounding area and the street scene of Longfield Road.
11. The proposed development would as the appellant emphasises make greater use of the site and whilst the principle of increased use is advocated by the Framework this should not be at the expense of compromising other considerations. Whilst increased use would be a benefit in delivering additional housing this needs to be carefully weighed against other policy considerations. The proposed development at street frontage sensitively reflects in architectural terms the adjacent properties of 98 and 100 Longfield Road and the proposed building line is in keeping with these, in contrast the adjacent dwelling, Green Meadow, on the other side of the appeal site, is set back from the street frontage and more so than most other properties in the road. The rear building line is also much further back in the site than surrounding dwellings. The

proposed development extends the rear building line even further back than that of Green Meadow and this would result in an exceptionally deep built form on the plot which would be out of keeping with the predominant plot coverage ratios in the area. This would be harmful to the character and appearance of the area.

12. The Council state that the proposed dwelling density on the site would be at 70 dwellings per hectare. This is significantly high when assessed against the guidance for Residential Character Area TCA2 Miswell Lane, which expects density in the low range to be compatible with the existing character of the area and seeks small to medium sized dwellings and resist large scale, bulky buildings which will not normally be permitted.
13. In terms of the spacing between buildings I note that the space between No 98 and No 96 would marginally increase. However this space would accommodate a driveway that would be in frequent use along the entire boundary of No 98. The development would therefore fail to enhance the spaces between building and would not respect adjoining properties in terms of layout or site coverage.
14. I therefore conclude that the proposal even in its amended form would significantly alter and adversely affect the character and appearance of the site, the surrounding area and the street scene of Longfield Road.
15. For these reasons the development would be in conflict with Policies CS11 and CS12 of the Dacorum Borough Council Core Strategy (2013) (Core Strategy); to the aims of the Framework and to the Councils' Area Based Policies Supplementary Planning Guidance - Development in Residential Areas Character Area TCA2 Miswell Lane. These policies and guidance aim, amongst other things to ensure high quality design in developments.

Living conditions

16. The appellant has submitted a car park noise assessment as part of the appeal proposal. He argues this satisfies all of the noise criteria set out by the Local Authority, including from traffic movement and door slams and that noise activity in the car park would not pose a material constraint to the granting of planning permission. The proposal would also incorporate a 2 metre high close-boarded acoustic fence to the rear boundary and that with No 98 Longfield Road. I do not dispute that the proposed acoustic fencing would overcome the concerns surrounding noise disturbance to 98 Longfield Road, given the sloping topography of the road, the conservatory and given the rear garden of No 98 is considerably lower than that of the ground level of the appeal site. However, a two-metre acoustic fence along this boundary would result in an over bearing boundary treatment, immediately adjacent to the conservatory, a habitable room and garden, which would impact significantly upon the living conditions of the occupiers.
17. Furthermore, the ground levels in Cherry Gardens are higher than the appeal site and I am not satisfied that all noise from the rear parking area would be mitigated such that it would not present a nuisance to the residents of 4 Cherry Gardens, which would result in harm to the living conditions of the occupiers and impact on their enjoyment of using their outdoor space. I have similar concerns for the living conditions of the occupiers of Green Meadow. No acoustic fencing is proposed along their common boundary and although there would be an area of open space between the parking area and the boundary, I do not consider

this would be sufficient to reduce potential noise disturbance that could harm the living conditions of the occupiers to an acceptable degree.

18. The height, bulk, mass, depth and siting of the development would harm the living conditions of the occupiers of 98 Longfield Road when using their conservatory, by way of visual intrusion. The proposals would result in an overbearing and visually intrusive form of development to the occupiers of Green Meadow and 4 Cherry Gardens also, given the encroachment of the boundaries and the excessive rear building line of the proposed development.
19. Given the scale, height and bulk of the proposed development, and the raised ground levels of the appeal site compared to No 98, (despite being some 5.4 metres from the conservatory) I conclude that the proposed development would result in a visually intrusive form of development, harmful to the occupiers of No 98 Longfield Road and other neighbouring properties.
20. Furthermore, the appellant claims that a distance of 3.8m would separate the proposed building from Green Meadow. This is over a metre closer than the existing bungalow and will also significantly extend beyond the rear building line of Green Meadow, which would result in an overbearing form of development.
21. For the reasons given above I conclude that the proposal would cause material harm to the living conditions of adjoining properties by reason of noise and disturbance from the position and extent of the parking area and by reason of the height bulk mass and depth of the proposed building on the outlook of adjacent properties.
22. The proposals would therefore be contrary to the aims of Policy CS12 of the Core Strategy and the aims of the Framework. These policies together seek to ensure a good quality of life for residents in new development proposals.

Parking

23. The proposal includes nine off street parking spaces. The Council maximum demand based parking standards require a maximum of 1.5 spaces per 2-bedroom dwelling and 1.25 spaces per 1 bedroom dwelling equating to a total maximum of 9.75 spaces for the proposed development. The proposed parking would therefore fall short of the Council maximum parking spaces by 0.75 spaces. Nonetheless, the appellant has demonstrated by way of a parking assessment that there is available on street parking during the day and I also found this to be the case at the time of my site visit. Whilst I note a number of third party objections to the contrary I am not convinced that the proposal would give rise to significant overspill parking onto the street such that would create undue parking stress in the area.
24. Consequently I find that the proposed development would provide sufficient off street parking close to the maximum standard under saved Appendix 5 of the Dacorum Borough Local plan 1991 – 2011 and would be unlikely to lead to significant additional on street parking. The appeal proposal would not therefore conflict with: Policy CS12 of the Core Strategy; Saved Policy 58 of the Dacorum Borough Local Plan 1991 – 2011 (2004) or the aims of the Framework which together seek to ensure adequate parking within new developments.

Other matters

- 25.I acknowledge that additional development would be beneficial in terms of the provision of additional dwellings in the area; however, I do not consider that this would outweigh the harm identified above.
- 26.The appellant claims that four dwellings could be accommodated across the site frontage however; there is no evidence before me to demonstrate how this would be achieved and this does not affect my findings.
- 27.Reference is made to The Orchards, however, this appears to be a larger redevelopment site and I have not been provided with any evidence as to when that decision was made so I cannot be sure that the policy situation was the same or that the sites are comparable. In any event each case must be determined on its own merits and therefore it does not set a precedent, which I must follow.
- 28.I have considered the Daylight and Sunlight report submitted with the appeal however, the issue is not one of loss of sunlight, but an issue of outlook which I have addressed in the main issue above.
- 29.I note that the appellant has highlighted the good design of the proposed scheme however, good design is a fundamental requirement of all new development as set out in the Framework and it does not in itself represent a notable benefit.

Conclusions

- 30.For the above reasons and having considered all other matters raised, the appeal is dismissed.

Gemma Jenkinson

INSPECTOR