

Appeal Decision

Site visit made on 24 May 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 23 June 2016

Appeal Ref: APP/A1910/W/16/3145933

89, 87, 85 and 71 Sunnyhill Road, Hemel Hempstead HP1 1SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rob Waterhouse against the decision of Dacorum Borough Council.
 - The application Ref 4/01679/15/MOA, dated 23 April 2015, was refused by notice dated 22 December 2015.
 - The development proposed is residential development comprising 26 houses (5x4 bed, 10x3 bed and 11x2 bed) with garaging, parking and new estate road.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Rob Waterhouse against Dacorum Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is for outline planning permission with access and layout only to be determined at this stage, and all other matters reserved for future consideration.
4. One of the Council's reasons for refusal related to the lack of a valid planning obligation to ensure there would be a contribution to local infrastructure. However, this has been provided as part of the appeal documentation and consequently I have omitted this reason from my main issues.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the efficient and safe operation of the highway, with particular regard to the access road junction and on-street parking demand.
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Reasons

Character and appearance

6. The appeal site comprises land behind Sunnyhill Road, Hemel Hempstead and forms part of the west facing slope of the Warners End Valley. It currently contains a scattering of mature trees and shrubs concentrated along the western edge and associated with garden boundaries. To the north the appeal site abuts a larger area of woodland, and to the west, an area of allotments. The combination of openness and mature vegetation gives the site a verdant and informal character, and provides a buffer of open space within the established development pattern.
7. The development of 25 houses would extend across the rear portion of four large gardens with an access road situated along the northern site boundary. The Hammerfield North Character appraisal (HCA9)¹ notes that housing density within the appraisal area is within the range 25 – 35 dph, but gardens to the west of Sunnyhill Road are particularly long and the Council advises that the housing density of this immediate area is significantly lower, at about 11 dph. The Council also considers that maintaining a spacious form of development is important to the wider open land setting of the valley. HCA9 advises there is limited opportunity for residential development behind Sunnyhill Road and the approach should be to maintain existing scale, mass and density as well as considering topography, the relationship with existing houses and the effects on the open land in the Warners End Valley. On the basis of my visit I see no reason to disagree with the advice contained in HCA9.
8. A smaller development, for 13 flats and dwellings, was approved at appeal in 2013². The main issue in that appeal was highway safety, and although the Council did not raise character and appearance as a concern in their reasons for refusal, the Inspector concluded that the height and massing of the proposed buildings were in keeping with the area's housing. However, the evidence before me indicates that that development covered less than half of the current appeal site area. In addition, a proportion of the dwellings were flats and although there was a similar housing density to that proposed here, the overall site coverage appears less dense. Furthermore, a comparison of the layouts indicates that the dwellings to the west would be located further from the site boundary than proposed here, and consequently existing vegetation would be more likely to be retained in its current form. In addition, the relationship between the development, allotments and housing on Sunnyhill Road would be more spacious.
9. The appellant suggests that a consideration of character and appearance for this appeal is inappropriate, given it was not an issue for the extant permission. However, I disagree with this approach as the appeal before me would be considerably larger and would introduce a significant new building pattern behind Sunnyhill Road. The effects on the character and appearance of the site would be proportionately greater than for the extant permission, and have an impact over a far larger area.
10. This development would have a density of 36 dph, which is just above the recommended range for the appraisal area and significantly higher than the

¹ Area Based Policies: Hammerfield North HCA9 Character Appraisal 2004

² APP/A1910/A/12/2188419

density of the housing on the western side of Sunnyhill Road. It would comprise a mix of detached, semi-detached and terraced housing. Parking provision would be a combination of adjoining or remote lines of garages, and hard-standing. Both front and rear gardens would be rather limited in depth. Whilst limited amenity space is not necessarily inappropriate in an urban context, only four dwellings would have a footway between the access road and their frontage, and seven dwellings would lack private vehicular hardstanding beside the dwelling itself. These factors in themselves suggest overdevelopment, and they are not features characteristic of the building pattern on Sunnyhill Road.

11. The development pattern would introduce a line of dwellings along the western site boundary, parallel to Sunnyhill Road and following the site contours. There would also be short lines of terraces perpendicular to Sunnyhill Road, stepping up the slope, and three banks of garages remote from their host dwellings. Whilst I acknowledge that the spacing allows views through to the allotments from the east, the development pattern with separate garage blocks appears piecemeal, and effectively reduces and fragments the space between the built form that might otherwise be used for private amenity space or public realm. In addition, the positioning of the terraces would not reflect the prevailing grain of development and would significantly encroach into views along the valley. As such, the relatively dense layout would fragment the open space that exists behind Sunnyhill Road, and would result in a development that dominated the site and the surrounding area. It would appear cramped, and would fail to relate to its context or reflect the more spacious character of the area.
12. In addition, I disagree with the appellant that the layout of this development would be similar in form and detail to the extant permission. That layout has more generous plots for the dwellings abutting the western boundary, and the limited length of terraced housing along the access road would relate to the northern site boundary. The Council considers that a lower housing density would be appropriate for this site, and on the basis of the evidence before me, I concur with that conclusion. Whilst I appreciate that the general character and ridge heights are largely unchanged from the extant permission, as noted above, the scale and extent of the development would be significantly increased.
13. Although the tree survey indicates that few trees are worthy of particular retention, the scrubby hedgelines do contribute to the area's verdant character. I note that the Council's tree officer states that the tree planting locations as shown on the layout plan are acceptable, and raised no objections to a landscape scheme being submitted as a reserved matter. However, I agree with the Council's statement of case that the limited depth of rear gardens for dwellings on the western site boundary would put both retained and new planting along this boundary under pressure from occupiers wishing to minimise shading. This pressure would not be relieved by the widths of the plots concerned, which at 8 – 10 metres, would not be excessively wide, and in addition, the line of dwellings itself would cause shading from the east, adding to the pressure to remove obstacles to direct sunlight.
14. In addition, the existing canopies of vegetation on the western boundary are shown on the tree survey³ as extending to within some 2 - 3 metres of the

³ Patrick Stileman DS04081501

building line in respect of some the plots. Although the habitat survey⁴ notes that the vegetation along the northern and western boundaries would be protected, the tree survey indicates that root protection zones are impractically close to some proposed buildings. In addition, the layout plan shows these canopies at a significantly reduced size. As such, I concur with the Council that it is likely there would be a loss of vegetation cover along the western boundary whether during the construction phase, or future occupation of the dwellings.

15. Furthermore, the limited frontages and the lack of public realm would limit areas available for new tree planting, especially given the potential conflict between tree planting, service runs, and shading. Consequently, whilst I acknowledge that there is potential for low level shrub and hedge planting, I am not persuaded, were the appeal to be allowed, that there is much opportunity for tree planting of any significance to soften and screen the development, or to replace lost or reduced natural vegetation currently on site boundaries.
16. Accordingly, the verdant nature of the site would be significantly affected, and its impact as a buffer between areas of nearby development reduced. This would represent overdevelopment in this context, and be to the detriment of the character and appearance of the area.
17. With regard to Policy 21 (LP), which states that the potential of sites to accommodate development should be maximised, this policy also states that housing will not be permitted where it would adversely affect the amenity of the existing character of the surrounding area. In addition, whilst I acknowledge that Paragraph 58 of the National Planning Policy Framework (the Framework) requires development to optimise the potential of sites, it also states that development should respond to local character, and Paragraph 60 of the Framework states that it is proper to promote or reinforce local distinctiveness. Therefore I give the argument that the proposals would represent optimal development, little weight.
18. Consequently, the development would be contrary to Policy CS11 of the Core Strategy⁵ (CS) which requires development to respect typical density and enhance general character, and Policy CS12 (CS) which expects development to integrate with the character of the streetscape and respect adjoining properties in respect of scale, height, bulk and amenity space. With regard to the depth of the rear gardens, Appendix 3 of the Local Plan⁶ (LP) states that depths of less than 11.5 metres are acceptable where gardens back onto open land. A proportion of dwellings would back onto the allotments, and although the terrace and link houses would have rear gardens less than this in some cases, their rear amenity areas would be commensurate with the size of the dwelling. Accordingly, I do not find this policy of relevance in this instance. However, garden depth is a determinative factor in the consideration of overall character. Finally, the development would be contrary to the design aims of HCA9 as outlined above.

⁴ Hone Ecology E1450 -71

⁵ Dacorum Borough Council Core Strategy 2013

⁶ Dacorum Borough Council Local Plan 1991 - 2011

Highway operation and safety

19. The development would be served from an access road which would join the highway network at the corner of Sunnyhill and Melsted Roads. I noted on my visit that Sunnyhill Road is narrow, with limited off-road parking and that the gradient of Melsted Road is particularly steep to the immediate east of the corner with Sunnyhill Road. At the time of my visit, (0800 hrs), cars were parked on both sides of the road and although there was little through traffic, there was space for one running lane only; vehicles needing to pass each other had to pull in between parked vehicles.
20. The effects of the development on the efficient and safe operation of the highway would be the potential increase in vehicle movements along Sunnyhill and Melsted Roads, (which the engineers report⁷ states would be approximately double that of the extant permission), and the demand for on-street parking. The Inspector for the previous appeal found no harm in respect of the proposed highway works and I see no reason to disagree with those findings in respect of vehicular and pedestrian safety at the junction, or the capacity of the junction to accommodate the projected increased traffic, particularly as the highways authority has not raised concerns in respect of the design.
21. However, notwithstanding that there is no objection from the highways authority with regard to network capacity, I appreciate the concerns of local residents that even a modest increase in traffic volume along Sunnyhill Road would increase congestion at times when there is only one running lane. Although the appellant notes that a Road Safety Audit did not identify any recorded collisions in the last five years, evidence before me indicates that there is a significant history of non-personal injury, that is, vehicle to vehicle collisions⁸ serious enough to warrant reporting to the police. This supports my observations at the site visit and I give this some weight.
22. Policy HCA9 requires new development to ensure there is parking provision within the proposals. The evidence before me indicates there is a small deficit of parking provision within the estate; the layout indicates 59 bays would be required and there are 56 shown. In addition, given the tandem parking layouts for most plots, it seems likely that it would sometimes be impractical and inconvenient to park both vehicles within the curtilage of dwellings, even where this is indicated as such on the layout. Consequently, I am not persuaded that there would not be an increased demand for on-street parking on Sunnyhill Road, were the development to be allowed, as there would be limited availability within the estate for visitor or service delivery parking. Moreover, as reasoned above, the increase in traffic volume would be likely to cause increased congestion on Sunnyhill Road at peak periods. Whilst I would not necessarily consider these concerns sufficient to warrant dismissal of the appeal in the absence of other considerations, they support my overall reasoning that the proposals would represent overdevelopment of the site.
23. In the light of the above, in respect of increased congestion and parking demand, the development would be contrary to Policy 51 (LP) which requires development not to affect the ability of the highway network to accommodate

⁷ Abington Consulting Engineers; correspondence 23 February 2016

⁸ Hertfordshire Constabulary FOI/1129/15

the additional traffic generated. I do not find conflict with this policy in respect of the access road junction design.

Other matters

24. The appellant has provided a completed Unilateral Undertaking under Section 106 of the Planning Act to secure a contribution to local infrastructure. However, as I am dismissing the appeal on the substantive issues, it is not a matter upon which my decision turns. In addition, the benefits afforded by the contribution would not outweigh the harm identified above.
25. Representations have been received from third parties in respect of the safety of pedestrians, wildlife, local infrastructure, noise and light pollution, ongoing funding for and maintenance of the road heating system, and the lack of affordable home provision. However, as I have found harm in respect of the main issues, it is not necessary for me to reach a conclusion on these issues.

Conclusion

26. Taking all matters into account and for reasons outlined above, the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy, and therefore I conclude that the appeal should be dismissed.

Amanda Blicq

INSPECTOR