
Appeal Decision

Site visit made on 11 January 2016

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 27 January 2016

Appeal Ref: APP/A1910/W/15/3135911

54 Lockers Park Lane, Hemel Hempstead, Hertfordshire HP1 1TJ

- 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 Mr R Wittrick against the decision of Dacorum Borough Council.
 - The application Ref 4/00280/15/FUL, dated 26 January 2015, was refused by notice dated 29 June 2015.
 - The development proposed is for 4 No.3 bedroom semi detached houses.
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Decision

1. The appeal is allowed and planning permission is granted for 4 No.3 bedroom semi detached houses at 54 Lockers Park Lane, Hemel Hempstead, Hertfordshire HP1 1TJ in accordance with the terms of the application, Ref 4/00280/15/FUL, dated 26 January 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Wren naj.02b 2014; Wren naj.02c 2015; Wren naj.02a 2015; Wren naj.02e 2015; Wren naj.02a 2015 Rev A; and Site Location Plan
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The dwellings hereby permitted shall not be occupied until the windows to the first floor side elevations have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they will be installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages or outbuildings shall be constructed or erected on or within the curtilage of any individual dwelling other than those expressly authorised by this permission.
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Main Issue

2. The main issue in this appeal relates to the effects of the development upon the character and appearance of the area.

Reasons

3. The appeal site comprises part of the long rear gardens to No's. 52 and 54 Lockers Park Lane that slope down to Park Hill Road. It lies within a modern suburban housing estate of mixed two and three storey properties sitting generally in fairly generous plots. Although the host properties forming a group of five houses front Lockers Park Lane, they also extend down onto Park Hill Road; detached garages have been built on the lower section of gardens. At this point, Park Hill Road contains two storey dwellings with front projecting 'cat-slide' extensions of similar style. Reference by the Council to "chalet bungalows" appears not be correct in my view. However, beyond the application site to the south, the character of Park Hill Road changes quite dramatically to a more urban and tightly formed housing area of two and three storey terraced properties.
4. The proposal would see the construction of two pairs of semi detached houses with two storey elevations fronting Park Hill Road and dormer windows placed in the roof slope to the rear to create three bed dwellings. Forecourt parking would be provided to the front of the houses. Due to the sloping ground at this point, the dwellings would be set at a lower level than the host properties on Lockers Park Lane.
5. The Council does not oppose the principle of development and neither does it dispute the appellant's contention that the site, together with land either side comprising the rear gardens of neighbouring properties, represents an uncharacteristically large gap in an otherwise continuous built frontage. Development here would be at a higher level than properties opposite; however, this relationship is consistent with what is found further along Park Hill Road.
6. Despite the Council's contention that the design of the dwellings proposed would disrupt the prevailing style of development, a change in character at this precise location would not be harmful; indeed to my mind, it would provide a reasonable transition in style before Park Hill Road changes to the denser pattern of development to the south. In addition, due to the set back of the proposed properties from Park Hill Road as it descends from Lockers Park Lane, the flat roofed dormers would not be unduly prominent. Flat roofed dormers appear to me to be part of the diverse character of the immediate vicinity in any event and from most public views, only the side cheeks of the dormers would be readily apparent.
7. Accordingly I conclude that the proposals by virtue of their height, mass, bulk and form would not cause unacceptable harm to the character and appearance of the surrounding area. I also conclude that the overall design would help soften the transition between the predominantly two storey detached dwellings to the north of the appeal site and the higher density terraced development to the south. The proposals would therefore comply with Policies CS12 and CS11 of the Dacorum Local Planning Framework Core Strategy (CS) and the design aims of the National Planning Policy Framework. These policies amongst other things seek to ensure that developments integrate with the existing streetscape

character and respect adjoining properties in terms of scale, height and bulk thereby co-ordinating streetscape design between character areas.

Other matters

8. Neighbours to the development suggest that the existing road is narrow and that there is an on-street parking problem locally. I undertook my site visit late afternoon but returned to the site after dark to gauge whether the development might contribute to an ongoing parking problem. During my visits to the site, whilst I noticed that cars do park on the road, particularly in the evening, on street parking did not appear to me to be particularly problematic. It is of course difficult to gain full understanding from just two visits undertaken on the same day; however, I also noted that the Council considered that parking provision both for the proposed dwellings and for the existing host properties would be within policies set out in its Local Plan.
9. In the absence of evidence of a local parking issue, I do not consider that four additional dwellings each having 2 spaces would result in a material shortage in parking provision off road in this location. Nor has it been demonstrated that even if there was a material deficiency, it would be bound to have a harmful effect on highway safety.
10. Neighbours also suggest that the proposed dwellings will be sited too close to properties opposite and have an unacceptable overbearing effect upon living conditions. However, the intervening distances and height relationship would be acceptable in my view and is consistent with what can be seen further down the street. I am satisfied that unacceptable levels of harm to the living conditions of occupiers of properties opposite would not occur in this instance.
11. The Council confirms that no affordable housing provision would be necessary given that the scheme falls below the threshold identified in CS Policy CS19: Affordable Housing.

Conditions

12. The Council has suggested a number of conditions which I have considered against the Use of Conditions guidance set out in the Planning Practice Guidance. I have amended some of them for clarity and omitted others on grounds of necessity.
13. In addition to the standard 3 year limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans for the avoidance of doubt and in the interests of proper planning. A condition to secure appropriate finishing materials is also necessary in the interests of the character and appearance of the area. Given that the flank windows will face neighbouring properties it is appropriate to require these to be obscurely glazed. The withdrawing of certain permitted development, particularly for extensions, garages or other structures is considered necessary in view of the relationship to other development. It has not been demonstrated that the required visibility splays can be achieved within land controlled by the appellant. However, given the nature of this residential road, I do not believe that a condition requiring such splay standard is necessary.

Conclusion

14. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR