



# Appeal Decision

Site visit made on 03 January 2001

by Isobel McCretton

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

DP	DC	BC	SS
Rec'd. 05 FEB 2001			File
Comments:			

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Date

1 FEB 2001

**Appeal Ref: APP/A1910/A/00/1051610**

**Rear of 18-19 Henry Street, Tring, HP23 6BH**

- 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 & Mrs C Phillips against the decision of Dacorum Borough Council.
- The application (ref:4/00702/00/FUL), dated 08 March 2000, was refused by notice dated 09 June 2000.
- The development proposed is conversion of existing buildings to two dwellings.

**Summary of Decision: The appeal is dismissed.**

## Main Issues

1. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the Tring Conservation Area.

## Planning Policy

2. The site falls within the Tring Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
3. The Development Plan includes the Dacorum Borough Local Plan (DBLP) adopted in 1995. Relevant policies of the DBLP include Policy 7 which indicates that appropriate residential development is encouraged, and that change of use to residential is normally acceptable in residential areas of towns and large villages, including Tring. Policy 8 sets the criteria against which the quality of new development will be assessed. Policy 17 seeks the provision of small dwellings to make the most effective use of the housing land available. New development is required, by policy 54, to meet the standards for parking provision set out in Part 5 of the Local Plan. Development in conservation areas will be assessed against the criteria set out in policy 110, which requires that new development or alterations or extensions preserve and enhance the established character of the conservation area. The requirements of the above policies are amplified in Environmental Guidelines – No.2 (Quality of Layout and Design), No.3 (Layout and Design of Residential Areas), No.6 (Parking Requirements), No.10 (Small Scale House Extensions), and No.13 (Development in Conservation Areas or Affecting Listed Buildings), the latter giving guidance on detailing.
4. The adopted Local Plan is subject to review, and the Dacorum Borough Local Plan 1991-2011 Deposit Draft (DBLPDD) was published in 1998. It is at an advanced stage and should be given due weight. In the DBLPDD, Policy 7 reflects the same policy in the DBLP. Policy 8 relates to the optimisation of urban land, giving principles for judging

development proposals. Policy 9 gives criteria for the assessment of new development and Policy 10 deals with environmental guidelines. These are amplified in Part 5. A range of size of new dwellings is expected under Policy 19. Policy 22 relates to density of new development - while high densities are encouraged in appropriate parts of urban areas, proposals for high-density housing will not be permitted that would have an adverse effect on the amenity and existing character of the surrounding area. Other relevant policies include Policy 59 (Private Parking Provision), and Policy 116 (Development in Conservation Areas). Again there are environmental guidelines (2,3,6,10 and 13) which are modifications of those set out above.

### **Reasons**

5. The appeal site comprises storage buildings and a yard area currently in use as a builder's yard. The proposed development involves the demolition of part of an existing flat-roofed store, roofing the remainder with a pitched roof with dormer windows, and converting this and the adjoining (older) building to 2no. 1-bedroom residential units with 2 off-street parking spaces and a patio garden for unit 2. No garden area is proposed for Unit 1. Access to the site is gained via the existing access to the yard from Henry Street between Nos. 19 and 20.
6. I agree with the appellants that the predominant character of the area is one of small houses built in tight configurations with minimal amenity space and often no parking spaces. In addition the existing use of the site and the modern, flat-roofed storage building are alien to the area and detract considerably from the attractive appearance of Henry Street and beyond. The plans for the conversion of the older building I consider to be appropriate to the location within the Conservation area, but they are poorly detailed. While I agree that the existing flat-roofed storage building detracts from the appearance of the area, I consider that the proposals for the new roof are not acceptable. The new roof and dormers would detract from the roofline of the Conservation Area and be out of character and scale with the adjoining buildings. The style and size of the three dormer windows as proposed is not a characteristic feature of the Conservation Area and, though it is stated that the detailing would match that of the older building, the submitted drawings are of different design. In any event I consider that the use of matching details without appropriate and sympathetic design does not comply with the Council's policies and guidelines for development in conservation areas, and I therefore conclude that the proposal would cause harm to the character and appearance of the Conservation Area.

### **Other Matters**

7. The proposed parking provision falls below the Council's standard as set out in both the adopted and the emerging Local Plans. On-street parking is very limited in the vicinity due to parking restrictions, general lack of off-street parking space and the width of the streets. However the site is within walking distance of both local shops and public transport, and Government advice in Planning Policy Guidance Note 3:Housing (PPG3) states that in such locations a more flexible approach should be taken to parking provision. While I note the concerns of local residents, I consider that the proposed parking arrangements are not a reason to refuse the appeal.
8. The existing houses at 18 and 19 Henry Street have little amenity space at the rear, and I consider that the redevelopment of the builder's yard as proposed would improve the amenities and outlook of the occupants of these dwellings. I do not consider that the limited

loss of outlook and overshadowing of these properties, and of the adjoining house in Stanley Gardens to the south-west, which might result from the development, would be so harmful as to justify the appeal being refused.

9. The minimum requirement for amenity space set out in both the emerging and adopted plans cannot be provided on the site. However PPG3 encourages the best use of urban land, and the local plan policy encourages the provision of small residential units. Given the environmental benefits which would result from redevelopment of the builder's yard, I do not consider the lack of amenity space justifies refusal of the proposal.
10. I therefore conclude that in terms of PPG3 the proposal makes effective use of a previously developed urban site, and I do not consider that it represents an over development which would be harmful to the amenities of local residents.
11. In correspondence from third parties about the planning application, there is reference to a dispute about a right of way between Henry Street and Stanley Gardens. This is a matter for resolution between the parties concerned and does not affect the outcome of the appeal.

#### **Conclusion**

12. In view of the harm to the Conservation Area which I have identified which would result from the design proposed for the alterations to the storage building, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

#### **Formal Decision**

13. In exercise of the powers transferred to me, I dismiss the appeal.

#### **Information**

14. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.



INSPECTOR

# Dacorum Borough Council Planning Department

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TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION - 4/00702/00/FUL**

**REAR OF 18-19, HENRY STREET, TRING, HERTS**  
CONVERSION OF EXISTING BUILDINGS, INCLUDING ALTERATIONS TO  
EXISTING STORAGE BUILDING TO PROVIDE A PITCHED ROOF AND  
DORMERS

Your application for full planning permission dated 08 March 2000 and received on  
12 April 2000 has been **REFUSED**, for the reasons set out overleaf.



Director of Planning

Date of Decision: 09 June 2000

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00702/00/FUL**

Date of Decision: 09 June 2000

**1. The proposal represents a gross overdevelopment of the site which would affect adversely visual and general amenities and detract from the character of the area.**