

6. APPEALS UPDATE

A. LODGED

4/00640/18/FHA Pritchard
SINGLE STOREY REAR, SIDE AND FRONT EXTENSIONS. RAISING ROOF
HEIGHT.
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU
[View online application](#)

4/01301/18/FUL AJPT Construction Ltd
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR
TWO-BEDROOM AND THREE ONE-BEDROOM FLATS AND ASSOCIATED
ACCESS
96 LONGFIELD ROAD, TRING, HP23 4DE
[View online application](#)

4/02541/18/FUL Ulhassan
CONSTRUCTION OF 4 BEDROOMED SEMI-DETACHED DWELLING
(AMENDED SCHEME)
CALPE, 47 PEASCROFT ROAD, HEMEL HEMPSTEAD, HP3 8ER
[View online application](#)

4/02935/17/FUL BOURNE END LTD
CONSTRUCTION OF TWO POLYTUNNELS AND BARN FOR
AGRICULTURAL PURPOSES
UPPER BOURNE END LANE, HEMEL HEMPSTEAD
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00097/18/FHA

TW-2 ARCHITECTS - Mr & Mrs Wilton
DEMOLITION OF EXISTING GARAGE, CONSERVATORY, REAR WING
AND BAY. CONSTRUCTION OF SECOND STOREY EXTENSION AND
GARAGE. REMODELING OF INTERIOR AND ADJUSTMENTS TO
WINDOWS.
HIGHLANDS, KINGS ROAD, BERKHAMSTED, HP4 3BP
[View online application](#)

1. The appeal is dismissed.

Procedural Matters

2. In addition to the plans considered by the Council in determining the application the subject of this appeal, I have been provided with two additional plans, reference PL05A and PL08. The Council has confirmed that it did not take these into account in reaching its decision, while the appellants contend that they do not alter the proposal. Nonetheless, for the avoidance of doubt, I have considered the proposal with regard to the submitted plans on the same basis as the Council and, therefore, I have not had regard to the two additional plans for the purposes of determining this appeal.

3. A revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the appeal site and surrounding area; and on the living conditions of nearby residents, with regard to outlook, natural light and privacy.

5. With regard to the effect on neighbouring living conditions, the Council does not specify in its decision notice which properties it considers would be affected. However, I was asked to assess the effects during the site inspection on the occupiers of Nos 67 and 67A Kings Road and No 10 Oxfield Close, which I did by viewing the appeal site from these properties and their gardens. As such, these are the properties referred to in respect of the main issue concerning the effect on living conditions.

Reasons

6. The appeal property is a detached bungalow in a small group with two other dwellings, all three of which are located behind properties with frontages on Kings Road. Access is via a driveway off Kings Road.

Character and appearance

7. The Council's decision notice refers to the development by reason of its mass and bulk resulting in an overdevelopment of the site. It refers to Policies CS11 and CS12 of its Core Strategy, which concern design quality, including respecting densities, local character and adjoining properties. I am not aware that any other assessment is provided to substantiate this element of the reason for refusal.

8. The demolition of the rear wing and conservatory would reduce the footprint of the existing dwelling, while the additional development at first floor level would not be so substantive that it would unbalance its proportions. Dwellings in the surrounding area are of similar or larger size and while the changes proposed are of more modern design than many of these properties, the result would not be so uncharacteristic or incongruous in its setting to cause material harm to the character and appearance of the site and its surrounds. Moreover, the dwelling is set in a relatively generous plot and given the reduction in footprint, there would be no overdevelopment of the site.

9. Accordingly, for the above reasons, I conclude that the proposal would not have a harmful effect on the character and appearance of the appeal site and surrounding area. As such, it is not contrary to Policies CS11 and CS12, as already described. These policies are consistent with the Framework.

Living conditions – Nos 67 and 67A Kings Road

10. These neighbouring properties back onto the appeal site and due to their relative positions in relation to it, any effects would be similar and, therefore, I have considered these possible effects on both properties as a whole.

11. The ground slopes away from the appeal site towards Kings Road and, consequently, Nos 67 and 67A are sited below the level of the appeal property. The difference in ground levels and extent of the boundary planting between them means that from the ground floor rear windows and gardens it is not possible readily to see the appeal property. This would largely remain the case from these perspectives despite the additional height created above the currently single storey building. Any views that would be available would be limited and not harmful.

12. It is possible to see the existing gable to the bungalow's side from the facing bedrooms of Nos 67 and 67A. The greater height of the converted dwelling would, therefore, be apparent from these views. However, despite the fact that these are habitable rooms they are used principally for sleeping and, as such, the appearance of the taller dwelling would not be overbearing or otherwise harmful to the

neighbours' outlook.

13. The relative orientation of the dwellings and distance between them means that there would be no harmful effect on either sunlight or daylight available to Nos 67 and 67A. The two proposed upper floor windows in the elevation facing the two dwellings would, in the one case not allow direct views towards them, and in the other would serve an ensuite bathroom and so would include obscured glass.

Consequently, there would be no loss of privacy.

14. Taken as a whole, therefore, I conclude that there would be no harmful effects on the living conditions of the occupiers of Nos 67 and 67A Kings Road and, therefore, no conflict with Policy CS12 of the Core Strategy as it relates to the effect on adjoining properties.

Living conditions – No 10 Oxfield Close

15. No 10 Oxfield Close is a two storey detached dwelling with a large garden that is sited to the north-west of the appeal property and shares a boundary with it. There is not a significant difference in ground levels between properties on this side of the appeal site, unlike the relationship with properties on Kings Road.

16. No 10 has a rear patio area, which faces the shared boundary where the appeal property is located, while direct views are also available from the conservatory and living room. Views from upper floor rooms are more limited. At present the shared boundary includes a hedge above which limited views of the bungalow's roof ridge are possible. Due to the generous plots and separation between dwellings in the surrounding area, views within No 10's rear curtilage are otherwise open across neighbouring gardens.

17. In contrast to the existing limited views of the bungalow, a much greater extent of the upper floor and angled roof of the extended appeal property would be visible. This would significantly alter the currently open aspect in views across the shared boundary. While the Council officer's report and the appellants refer to generous separation between the dwellings, including by reference to published guidelines, it is clear from the site inspection that the taller dwelling would be a highly visible and dominant feature in direct views from the ground floor habitable rooms referred to and the patio.

18. As these locations are primary places for sitting and enjoying views of the garden, the extent and prominence of the extended dwelling above the boundary would result in material harm to the occupants' outlook. I have considered whether boundary landscaping required by condition could help overcome these effects, but the necessary height and extent of this would of itself be an incongruous and uncharacteristic feature in the otherwise open setting.

19. With regard to the effect on sunlight there is sufficient distance between No 10's patio and rear elevation for the extended dwelling not to overshadow these or to harmfully affect the available daylight. The upper part of the elevation facing No 10 would include a window serving an ensuite bathroom that would include obscured glass; and a high level window that would not enable overlooking. As such there would be no loss of privacy between the two dwellings.

20. The appellants refer to a number of other examples of development that have been permitted in the surrounding area. While I note these, they are not directly comparable to the particular effects of the appeal proposal, as found above. As such, they do not outweigh the findings in the particular circumstances of this case.

21. Accordingly, for the above reasons, I conclude that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of No 10 Oxfield Close, with regard to outlook.

Consequently, the proposal is contrary in this regard to Policy CS12 of the Council's Core Strategy, particularly in relation to criteria c) and g), which, respectively, require development to avoid visual intrusion to surrounding properties, and to respect adjoining properties in terms of height and bulk. Also for the above reasons, there would be no such harmful effects with regard to natural light and privacy, and so no conflict with development plan policy.

Other Matters

22. I have had regard to a number of other matters raised by interested parties. There would be no harmful effects on the occupiers of No 2 Newbury Grove due to the separation between the properties, with the major part of the appeal property's garden facing towards No 2, and the mature planting to the shared boundary. I have no evidence to suggest that the proposed garage will not be used for parking and, furthermore, the Council has not raised concerns that insufficient parking spaces will be provided.

23. Conjecture about whether further development proposals on the appeal site will be submitted is not a matter for consideration as part of this appeal. While I note the appellants' concern about the Council's assessment of the proposal following an officer recommendation that it should be permitted, as is rightly pointed out this is not a matter that properly can be considered as part of this appeal. Therefore, while I have had regard to these other matters, for these reasons I give them limited weight.

Conclusion

24. I have found in the appellants' favour with regard to one main issue, concerning character and appearance and elements of the other concerning living conditions. However, given the extent of the harm to the living conditions of the occupiers of No 10 Oxfield Close and conflict with development plan policy, these favourable findings do not outweigh the unacceptable harm. Therefore, for the reasons given above it is concluded that the appeal should not succeed.

F. ALLOWED

4/01032/18/FHA

Ahern

DORMER LOFT CONVERSION

HARRIOTTS END FARM COTTAGE, CHESHAM ROAD, BERKHAMSTED,
HP4 2SU

[View online application](#)

1. The appeal is allowed and planning permission is granted for dormer loft conversion at Harriotts End Farm Cottage, Chesham Road, Berkhamsted HP4 2SU. The permission is granted in accordance with the terms of the application Ref 4/01032/18/FHA, dated 25 April 2018, 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 loft conversion hereby permitted shall be carried out in accordance with the following approved plans (all with the prefix 3989): 1 (location plan), 2 (block plan), 7 (first floor), 8 (loft floor) and 9 (elevations).

3) The materials to be used in the construction of the external surfaces of the loft conversion hereby permitted shall match those used in the existing building.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issue

3. The main issue is the effect of the proposed loft conversion on the character and appearance of the host dwelling and on its relationship with the neighbouring farmhouse.

Reasons

4. The appeal property is a two storey detached dwelling in an open parkland setting south of the A41. The larger Harriotts End Farmhouse and related outbuildings stand close by. Both buildings are served by a track running off Chesham Road. The surrounding area is open countryside in agricultural use and the site is within the Green Belt.

5. Both properties stand on a ridge and are prominent in views from the surrounding area, particularly to the east and south. The appeal property currently has a simple pitched roof with gable ends. As a whole the dwelling is of an attractive and a well-proportioned design.

6. The changes proposed to the currently unadorned front roof slope are three rooflights above the central lowest part of the eaves; and two dormers at a higher level either side of the roof. These changes would be proportionate in scale to the host dwelling and in the case of the dormers they would be of a complementary design and aligned with the existing windows. As such, I find no material harm would result from these limited changes, despite the simple uninterrupted roof which is prominent from its surrounds.

7. I note that the appeal property is a recently constructed replacement dwelling for a detached 1950s farm workers cottage. While noting the Council's comments about the design considerations in permitting the replacement, it appears that the original relationship between the farmhouse and cottage has altered over time and both are sufficiently well-separated that they are viewed predominantly as independent dwellings in their own right. The farmhouse already includes dormer windows to its front roof slope and, therefore, the changes sought to the appeal property would not be uncharacteristic seen against the neighbouring dwelling. Moreover, the smaller scale of the appeal property and proportionate size of the dormers and rooflights mean that the resultant built form would not compete visually with the farmhouse.

8. I have had regard to a previous proposal for dormers to the front roof made in 2010. I note that this scheme was the subject of an unsuccessful appeal¹. However, in that case unlike here the principal consideration was the effect of the extensions on the Green Belt. Furthermore, proposals to the front roof included a large central gable. While the Inspector concluded that the changes would noticeably increase the perceived bulk of the building, I do not consider the same can be said of the dormers and rooflights in isolation without the other features that formed a substantive part of the earlier proposal. 9. Therefore, for the above reasons, I conclude that the proposed loft conversion would not harmfully effect the character and appearance of the host dwelling or its relationship with the neighbouring farmhouse. Consequently, the proposal is not contrary to Policy CS12 of the Dacorum Borough Local Plan concerning design quality in development. This policy is consistent with the Framework.

Conditions

10. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the

existing building is needed in the interests of the appearance of the host dwelling and wider area.

11. For the reasons given above it is concluded that the appeal should succeed.

4/01826/18/FHA

McCarron

LOFT CONVERSION, VELUX ROOF WINDOW TO FRONT ELEVATION,
TWO DORMER WINDOWS TO REAR ELEVATION.

36 CHARLES STREET, BERKHAMSTED, HP4 3DH

[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for a loft conversion, incorporating conservation velux roof window to the front elevation and two dormer windows to the rear elevation at 36 Charles Street, Berkhamsted, HP4 3DH in accordance with the terms of the application Ref.

4/01826/18/FHA, dated 20 July 2018, subject to the following conditions:

1. The development hereby permitted shall not begin 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: 01 Rev C, 02 Rev A, 03 Rev A, 04 Rev C and 05 Rev C.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of 36 Charles Street and whether the proposal would preserve or enhance the character or appearance of the Berkhamsted conservation area.

Reasons

3. The appeal site relates to a well conserved residential street comprising of a variety of designs and architectural forms. The appeal dwelling is currently undergoing renovation pursuant to the earlier grant of planning permission and the key elements that are the subject of this appeal relate to features that can already be found on the adjoining dwelling at 34 Charles Street. Indeed conservation roof lights and appropriately scaled dormers can be found in quite high numbers within the conservation area, including those which are visible from the public highway along Charles Street, including those which are on principal elevations fronting the road. Furthermore, modest dormer windows are also a common feature within the rear garden scene, including a pair at no 34.
4. I acknowledge that the roof light and dormer windows imposed upon no 34 were the result of a planning permission that was granted contrary to the recommendation of officers in 2008; and whilst each case must be assessed on its own merits, the built context, particularly that in close proximity to the site is material to this decision.
5. The proposed roof light on the front elevation of the dwelling would be of a conservation type, modest in scale and therefore I consider that this would not significantly disrupt the front roof plane of the host dwelling. Neither would it constitute an incongruous feature within the street scene.
6. I note that the Council raises some concerns with regard to the replacement of the existing chimney with a dummy chimney. Provided that it matches the existing stack, as annotated on the proposed elevations, I consider that there would be no demonstrable harm to the overall character and appearance of the dwelling, with it essentially appearing akin to a replacement or rebuilt chimney. Indeed I note that the Council's Officer report stipulates that this may be acceptable and in itself was not considered to be a reason to refuse planning permission.
7. The Council's Conservation Officer highlights that the two gable dormers are identical to what was approved at no 34 and from my site visit they certainly appear to be very similar in terms of scale and appearance. I acknowledge that they were approved prior to the Article 4 (2) Direction being confirmed in 2011, as well as prior to the Berkhamsted Conservation Area Character Appraisal, which was published in 2015. However the council have not highlighted how the proposal specifically conflicts with this document and the simple case that permitted development rights have been removed simply means that proposals have to go through the planning application process, hence this appeal.
8. Dormer windows are common on the rear elevations of properties not only fronting Charles Street, but also Kitsbury Road to the north west and Roxwell Road to the north east; and whilst the rear elevation is in a fairly prominent location, due to its elevated position, many views of these would be oblique and confined to the rear garden scene. The dormer windows are relatively well proportioned and being sympathetic to those on the adjoining dwelling would largely redress the current imbalance.
9. Consequently I consider that the proposal would not give rise to demonstrable harm to the character and appearance of the host dwelling and the proposal would also preserve the character and appearance of the Conservation Area as a whole. I therefore find that pursuant to Section 16 of the National Planning Policy Framework that the proposal would not give rise to harm to a designated heritage asset and that the

proposal complies with Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Dacorum Borough Local Plan (2004) which together seek to favour the conservation of heritage assets; and that alterations or extension to existing buildings in the conservation area will be permitted, provided that they are carried out in a manner which preserves or enhances the established character or appearance of the area, and amongst other things be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area.

Conclusion and Conditions

10. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.

11 Other than the standard time limit condition, the Council has suggested a condition requiring the external materials to be used in the construction of the extension to match those of the existing building, in the interests of the character and appearance of the surrounding area, this is an appropriate condition. In addition, for the avoidance of doubt, a condition requiring that the development is carried out in accordance with the approved plans is also imposed.