
Appeal Decision

Site visit made on 24 January 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 15 February 2017

Appeal Ref: APP/A1910/W/16/3163339

123 George Street, Berkhamsted HP4 2EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Jeanne Woodcraft against Dacorum Borough Council.
 - The application Ref 4/01759/16/FHA, is dated 27 June 2016.
 - The development proposed is alterations to and raising the height of existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to and raising the height of existing outbuilding at 123 George Street, Berkhamsted HP4 2EJ in accordance with the application Ref 4/01759/16/FHA, dated 27 June 2016 and subject to the conditions in the schedule below.

Procedural Matters

2. Since the appeal was lodged, the Council within its statement has given its putative reason for refusal. This is that the excessive bulk and height of the building would be intrusive when viewed from the habitable rooms and rear garden areas of neighbouring properties.
3. I have altered the description of development to that given on the appellant's appeal form, as reflected in the Council's written statement.

Main Issue

4. The main issue is the effect of the development on the living conditions of nearby residents with particular regard to outlook.

Reasons

5. The appeal site is an end of terrace property with a single storey outbuilding at the end of the rear garden. The outbuilding has been converted into an art studio in connection with the domestic use of the property. The proposal subject to this appeal is to increase the height of the outbuilding to allow for an additional storey and thus a larger studio.
 6. Between the front of the appeal dwelling and the end of the rear garden there is a marked change in ground level with the garden sloping upwards towards the outbuilding.
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7. The development would lead to a significant increase in the scale of the outbuilding, which would result in a notable change to the outlook from the rear of adjacent dwellings at Nos 119 and 125 George Street including from their garden areas. However I consider that there are a number of mitigating factors in this case. The location of the outbuilding would be offset from the direct outlook from the rear of adjacent George Street properties. Furthermore it would be viewed in the context of the rear of terraced properties along Ellesmere Road which, whilst further away, are at a higher level still and thus already form a relatively imposing backdrop. This would help to visually assimilate the extended building into its surroundings. Furthermore the proposed extensive use of profiled and non-reflective timber panelling would tend to give the building a more recessive appearance.
8. The rear of the outbuilding faces the rear of terraced properties located on Ellesmere Road to the north of the appeal site. However there is a significant change in ground level between the appeal site and Ellesmere Road, with the outbuilding sitting at a markedly lower level in comparison to this terrace. There would also be a generous amount of separation between the terrace and the outbuilding, an intervening footpath and tall rear boundary fences serving those properties, all of which would help to mitigate the visual impact of the proposed extension.
9. Drawing the above factors together, I conclude that the development would not be of a design and scale that would result in it having an overbearing presence. Accordingly the proposal would not oppress the living conditions of existing residents as a result of excessive enclosure to outlook.
10. The proposal would therefore comply with Policy CS12 of the Dacorum Core Strategy 2013 which amongst other things seeks development to avoid visual intrusion to surrounding properties. The development would not comply with the application of the guideline set out in Appendix 7 to the Dacorum Borough Council Local Plan 2004 (LP), which seeks to retain a separation distance of 23 metres between extensions and the rear facing walls of adjacent properties. However as set out above, the building is offset from, rather than directly facing the rear of the neighbouring properties at Nos 119 and 125. It is also at a lower level and screened to a degree in relation to the Ellesmere Road dwellings behind. I therefore consider that this constitutes adequate justification for an exception being made to this guidance.

Other Matters

11. There have been a number of further concerns raised by local residents. In terms of the potential for overlooking, I note that the fenestration in the front and rear walls of the proposed extension would predominantly be constructed in an opaque material. A number of sliding shutters are proposed in order to allow for ventilation and a means of escape in the event of an emergency should this ever arise. However these opening points, along with the fenestration generally, would be relatively deeply recessed behind external timber framework and diagonal cross bracing panels which would tend to distract the eye from views of other properties to the front and rear. Furthermore, as previously noted, the front elevation of the building would be offset from direct views of the rear of adjacent George Street properties. I am therefore satisfied that whilst the separation guidelines in the LP would not quite be met, the circumstances of the proposal mean that adjacent properties

would not be unduly overlooked and that the privacy of residents would therefore be safeguarded. A condition requiring final details of external materials which would include the opaque fenestration could be imposed.

12. Whilst the increased height of the building is likely to result in some additional overshadowing, this would essentially be limited to the ends of rear gardens and would not be of sufficient impact to warrant refusal of planning permission.
13. The Council's Conservation Officer raised concern with regard to the levels of artificial light from the development. However the recessed position of the main windows and the separation of the building from adjacent properties would be sufficient to ensure that this would not result in undue harm to residents.
14. The appeal site lies within the Berkhamsted Conservation Area (CA). I acknowledge that the outbuilding, which is a prominent structure visible from George Street through a gap in the terrace, is regarded by the Council to be of historic interest and considered to be a non-designated heritage asset. From the information before me I have no reason to dispute this. The proposed extension with its focus on profiled timber boarding and dark coloured roofing materials appears to me to be a sensitive contemporary treatment of the structure, which despite the increase in scale would be sufficiently set back not to result in harm to the terraced character of the street. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, the development would preserve the character and appearance of the CA.

Conditions

15. I have considered the conditions suggested by the Council. Conditions specifying the plans and requiring details of the external materials are needed to safeguard the character and appearance of the area and to protect the living conditions of residents. A condition requiring the use of the development to be ancillary to the host property is not required, because if it was intended to operate the unit other than on this basis, a fresh planning permission would be required for change of use.

Conclusion

16. For the above reasons, I conclude that the appeal should succeed and planning permission be granted.

Roy Merrett

INSPECTOR

SCHEDULE OF 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: 010/EX.001/PL LOCATION PLAN; 010/EX.001/PL EXISTING SITE PLAN; 010/EX.100/PL EX. GROUND PLAN; 010/EX.101/PL EX. LOFT PLAN; 010/EX.200/PL EX. SEC A-A; 010/EX.300/PL EX. SOUTH ELEV.; 010/EX.201/PL EX. SEC B-B; 010/EX.302/PL EX. EAST ELEV.; 010/EX.301/PL EX. NORTH ELEV.; 010/EX.303/PL EX. WEST ELEV.; 010/EX.102/PL EX. ROOF PLAN; 010/101/PL REV.A 1st FLR. PLAN; 010/200/PL SEC A-A; 010/303/PL WEST ELEV.; 010/302/PL EAST ELEV.; 010/300/PL SOUTH ELEV.; 010/301/PL NORTH ELEV.; 010/201/PL SEC B-B; 010/100/PL GROUND PLAN; 010/001/PL SITE PLAN; 010/102/PL ROOF PLAN.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension 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.