



Appeal Decision

Site visit made on 11 December 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 17th January 2018

Appeal Ref: APP/A1910/W/17/3181856

105 Lawn Lane, Hemel Hempstead, Hertfordshire HP3 9HW

- 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 Porter against the decision of Dacorum Borough Council.
 - The application Ref 4/03171/16/FUL, dated 18 November 2016, was refused by notice dated 29 June 2017.
 - The development proposed is a detached three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located at the junction of Lawn Lane and Crabtree Lane and rises away from the road. The land levels also increase in a west to east direction. The housing area is generally characterised by semi-detached properties, although there are also detached dwellings and bungalows in the vicinity of the site. The site is broadly triangular in shape, with the proposed dwelling being on an irregular shaped plot which currently contains a detached double garage.
4. The proposed dwelling would be located between 1 Crabtree Lane and the existing dwelling at 105 Lawn Lane. However, it would be set at a lower land level, and have a lower eaves and ridge level than No 105 despite the natural increase in land levels to the east. To my mind the lower eaves and ridge height of the proposal, when seen in the context of No 105 and No 1, would be against the grain of the development and would appear out of character in the streetscene.
5. The dwelling would also have a larger footprint and be significantly greater in height, scale and massing than the existing garage and as a result would be much more prominent in the streetscene. Given the juxtaposition between the proposed dwelling and No 105, the development would appear as a property which has been squeezed into the available space, which is exacerbated by the detached nature of proposal.

6. In coming to that view, I acknowledge that the dwelling would broadly follow the existing building lines of the adjoining properties and that the design concept takes cue from the design and appearance of the surrounding development. However, this does not overcome the harm I have identified.
7. My attention has been drawn to other developments in the area including 31b Corner Hall Avenue and 99 Lawn Lane, both of which appear to have been extensions to existing buildings. It is noted that the extension at No 99 has a lowered land level (and lower floor level) than the original property and this demonstrates that such developments can be successfully achieved. However, in contrast to the appeal development, both of these extensions have eaves and ridge heights that follow the natural topography of the land and the heights of the adjoining buildings. To that extent, these developments are not comparable to the appeal development.
8. The Appellant has suggested that it is a common and standard approach for new dwellings on sloping land to be set into the natural ground level. Whilst this may well be the case, this should not override the need to ensure that a new building has an acceptable relationship with the surrounding development.
9. For the above reasons the proposed development would harm the character and appearance of the area contrary to Policies CS10, CS11 and CS12 of the Dacorum Local Planning Framework Core Strategy (2013) which amongst other matters seek to protect and enhance the character of the settlements and neighbourhoods and integrate with the streetscape character.

Other matters

10. I have also had regard to the representations made from the occupiers of 1 Crabtree Lane in respect of the potential loss of light to their kitchen window. However, from the submitted plans, I note that the development would not conflict with the 25 degree light line and that the Council consider that the development would not result in an unreasonable loss of light or visual intrusion. Taking this into account, I consider that the development would not have such a significant impact that would warrant the withholding of planning permission on this ground.

Planning balance

11. The Appellant has referred to the National Planning Policy Framework (the Framework) and considers that significant weight should be given to the need to significantly boost the supply of housing (at paragraph 47) and that housing applications should be considered in the context of the presumption in favour of sustainable development (at paragraph 49).
12. Paragraph 14 of the Framework states that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. In the context of decision taking, this means approving development that accords with the development plan without delay.
13. However, I have identified harm to the character and appearance of the area and conflict with the Development Plan. Whilst the provision of much needed new housing is clearly a benefit, this does not outweigh the harm I have found.

Conclusion

14. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR