



Appeal Decision

Site visit made on 9 July 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/A1910/D/19/3225321

57 Kings Road, Berkhamsted, Herts HP4 3BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Hans and Fiona Nijkamp against the decision of Dacorum Borough Council.
 - The application Ref 4/01744/18/ROC, dated 10 July 2018, was refused by notice dated 9 January 2019.
 - The application sought planning permission for a new detached double garage, garage conversion and alterations to dwelling without complying with a condition attached to planning permission Ref 4/02079/17/FHA, dated 10 October 2017.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans/documents: NEB 02A, NEB 06, NEB 07, NEB 08-B*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.*
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Decision

1. The appeal is allowed and planning permission is granted for a new detached double garage, garage conversion and alterations to dwelling at 57 Kings Road, Berkhamsted, Herts HP4 3BP in accordance with the application Ref 4/01744/18/ROC made on the 10 July 2018 without complying with condition No 2 set out in planning permission Ref 4/02079/17/FHA granted on 10 October 2017 by Dacorum Borough Council, but otherwise subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: Drawing Numbers NEB 02 C and NEB 08 D.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area and the living conditions of nearby residents.

Reasons

3. The appeal site is set at the end of a private driveway on land elevated above road level. It comprises a large detached dwelling set on the highest part of the site with a detached garage block set on the lower part of the site adjacent to the front boundary of the site.

4. Permission was granted for the detached garage block amongst other works however the garage block has been constructed differently to the approved plans. The differences consist of the addition of roof lights, a new window to the side elevation facing into the site and the addition of a mezzanine level with internal staircase access.
5. The garage is located at a substantial distance from the host property. The properties along the private drive are varied in their designs and appearance and the garage, as constructed, does not appear incongruous or out of keeping as a result of the amended windows and internal changes. The garage is not visible from the public highway due to the existing boundary screening and accordingly there is no harmful impact on the street scene or character of the area.
6. The side window faces into the site and towards the neighbouring property, No 59. The garage is set at a significant distance from No 59 and is on land which is set lower than this property. The side boundary comprises mature hedging and as a result, from the garage position, only the upper part of the dwelling is visible. From within the garage the views from the additional side window are largely obscured by the existing trees and hedging around the site.
7. The rooflights are set in a position and at an angle within the roof plane that precludes direct views of the neighbouring property and the use of the mezzanine would not give rise to any undue harm in terms of loss of privacy or excessive light spill to neighbouring properties as a result of the distance between the garage and existing dwellings and the level of existing tree screening.
8. Accordingly, for the above reasons the alterations to the garage do not give rise to any harm to the character and appearance of the area or the living conditions of neighbouring occupants. It therefore complies with Policy CS12 of Dacorum's Local Planning Framework Core Strategy 2006 – 2031 (2013) which seeks to ensure that development avoids adverse impacts to surrounding properties, respects adjoining properties and integrates with the streetscape character, amongst other things.

Conditions

9. I have not re-imposed the standard time limit condition as the development has been carried out. I have substituted the approved plans condition with the amended plans.

Conclusion

10. For the reasons given above I conclude that the appeal should succeed and I shall exercise the powers transferred to me accordingly. I will grant a new planning permission, substituting the disputed condition.

R Norman

INSPECTOR