



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: 29 July 2019

Appeal Ref: APP/A1910/D/19/3224575

2 North Road, Berkhamsted HP4 3DU

- 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 Charlie Russell against the decision of Dacorum Borough Council.
 - The application Ref 4/02137/18/ROC, dated 23 August 2018, was refused by notice dated 18 December 2018.
 - The application sought planning permission for single storey side and rear extensions, replacement of garage, internal alterations and loft conversion without complying with a condition attached to planning permission Ref 4/01142/17/FHA, dated 3 July 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: DD 17/053.2.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Berkhamsted Conservation Area and the host dwelling.

Reasons

3. The appeal site comprises a semi-detached dwelling fronting onto North Road. It is close to the junction with Charles Street and is located within the Berkhamsted Conservation Area. The area is characterised by residential properties of a relatively high density. The dwellings in the surrounding area, including the host property, are mainly late nineteenth and early twentieth century properties which have a relatively uniform appearance. The area presents a traditional and attractive character and appearance. The appeal property forms the first in a row of semi-detached and terraced dwellings on North Street, and is also set adjacent to properties which front onto Charles Street.

4. Planning permission was granted for single storey side and rear extensions, the replacement of a garage and a loft conversion which included the provision of three dormer windows. However, the dormers have been constructed differently to those shown on the approved plans. The constructed dormers have a greater width, a shallower pitch, are set higher on the roof, omit the barge boards, use different materials and are proportioned differently.
5. The Appellant and Council dispute the width increase of the dormers, nevertheless as a result of the amended width I find that they appear of a noticeably different proportion to the existing fenestration on the host property. Aside from the front bay windows set within the gable, which form a traditional feature of the dwelling, the windows all have a narrower form which is not replicated in the amended dormers.
6. Furthermore, along North Road, the dormers on other properties have a more traditional form which contribute to the predominant character of the area. Although set within the site and therefore not wholly visible from North Road, the dormers do not reflect the existing form and character of the surroundings.
7. The Appellant states the windows are sliding sash windows, a matter which is disputed by the Council. However, despite the window type, the use of the dark colour and materials gives a more modern appearance to the dormers which is at odds with the surroundings, which display traditional features and have timber windows in the main.
8. I have had regard to the examples of more modern dormers including the dormer at No 5 Montague Street, however I have not been provided with the full circumstances behind this example. Consequently, I cannot conclude that this is wholly comparable to the case before me and does not therefore set a precedent.
9. Whilst the alterations to the dormers are individually reasonably minor, their cumulative impact has resulted in modern features which are out of proportion with the existing character of the host property and surrounding area. I accept that one of the three dormers cannot be readily seen from the public realm and that the approved garage would introduce a structure between the site and North Road, however one dormer would still remain highly visible and accordingly the dormers as constructed would not preserve the character or appearance of the Berkhamsted Conservation Area.
10. The harm arising in this regard would be less than substantial, however Paragraph 196 of the National Planning Policy Framework (2019) (the Framework) requires that in these instances the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. I have not been presented with sufficient public benefits of the development to outweigh the harm to the Conservation Area in this instance.
11. The development therefore fails to comply with Policies CS27 of Dacorum's Local Planning Framework Core Strategy (2013), Saved Policy 120 of the Dacorum Local Plan (2004) and Section 16 of the Framework. Collectively, these seek to ensure that new developments, alterations or extensions preserve or enhance the established character or appearance of the conservation area in terms of scale, proportion and materials, amongst other things.

Conclusion

12. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR