



Appeal Decision

Site visit made on 10 March 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2020

Appeal Ref: APP/A1910/D/19/3241984

19 Church Street, Hemel Hempstead, HP2 5AD

- 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 Karl Lilley against the decision of Dacorum Borough Council.
 - The application Ref: 4/02134/19/FHA dated 4 September 2019, was refused by notice dated 21 October 2019.
 - The development proposed is Part single part two-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No. 4 Helena Place, with particular reference to outlook and daylight.

Reasons

3. The appeal site dwelling forms the northern end of a row of terraced dwellings understood to date from the 1880's, which step the hill of Church Street from south to north. To its north No. 19 adjoins an approximately 1.8m wide side return, which serves a more recent development of six back-to-back two storey terraced dwellings known as Helena Place. Nos. 1 and 4 Helena Place have a flank elevation that integrates a small kitchen window facing onto the side return and blank two-storey flank elevation of No. 19.
4. I have been provided with what appears to be the internal layout of No. 1 and I was able to visit No. 4. The flank wall of Nos. 1 and 4 is not directly aligned with the flank wall of No. 19. As a consequence, the window of No. 1 looks out onto almost the central part of the flank elevation of No. 19 at a distance of 1.8m, heavily restricting outlook and daylight. Whilst No 4 also faces the flank elevation, it is set closer to the rear of No. 19 and so benefits from a reasonable level of daylight, and an outlook (at an angle) above the single storey outrigger of No. 19.
5. The proposed development would infill the side return of the outrigger, increase the depth to the rear of the two-storey flank elevation by approximately 3m and bring the remaining ground floor closer to No. 4. By virtue of the increased height, depth and the proximity of the proposed development it would significantly and detrimentally impact upon the outlook

- from and amount of daylight to the kitchen window of No. 4. The reduced level of outlook and daylight is considered such that it would result in significantly harmful living conditions for the occupiers of No. 4.
6. I have noted the appellant's views that the development would result in No 4 having a similar outlook and daylight to No. 1, and that as a more modern development Helena View should not constrain the beneficial modernisation of No. 19. I have noted the netting to the window, the suggestion the kitchen was not designed to have an outlook and is not a habitable room. However, I have not been provided with the details and circumstances surrounding the approval of Helena Place. The kitchen window affords a clear outlook and forms one of only two windowed elevations on No. 4, so is of importance to ensure the internal ground floor living space has sufficient daylight and outlook.
 7. I have assessed this appeal proposal on its own merits and impacts. Similar development nearby such as No. 1 which breaches the 25- and 45-degree rule, and extensions to dwellings to the south of No. 19 that have a differing relationship to their neighbouring properties, do not provide justification for allowing a harmful development. Although the adjoining neighbours did not object to this proposal, ownership and occupation of a property is transient over time, and what may be tolerable to one occupier, may not be tolerable to another.
 8. The limited daylight and outlook to the existing dining room and kitchen at No. 19 were noted on my visit. The proposed development may have benefits in terms of increased floorspace, moving the bathroom upstairs, benefits to a family occupying the property, and the integration of some (un-specified) energy efficiency measures. However, these benefits do not outweigh the harm from the development to the living conditions of No. 4.
 9. For the reasons set out above, the proposed development would result in significant harm to the living conditions of the occupiers of No. 4 Helena Place, with particular reference to outlook and daylight. Therefore, it would conflict with Policy CS12 of the Dacorum Core Strategy 2006-2031 (2013) which requires development should avoid visual intrusion and loss of sunlight and daylight, and respects adjoining properties in terms of scale, height and bulk. It would also conflict with paragraph 127 of the National Planning Policy Framework (2019) (the Framework) which expects planning decisions should create places that promote health and well-being with a high standard of amenity for existing and future users.

Conclusion

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

Dan Szymanski

INSPECTOR