The Planning Inspectorate

Appeal Decision

Site visit made on 13 August 2020

by D.R McCreery MA BA (Hons) MRTPI

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

Decision date: 25 August 2020

Appeal Ref: APP/A1910/D/20/3244165
86 Alexandra Road, Hemel Hempstead HP2 4AQ

- 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 Mohammad Akram against the decision of Dacorum Borough Council.
- The application Ref 19/02556/FUL, dated 8 October 2019, was refused by notice dated 4 December 2019.
- The development proposed is partial height side extension onto existing ground floor side extension. First floor rear extension. Ground floor rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed rear extensions on the living conditions of the neighbours at 88 Alexandra Road, with particular reference to overbearing and intrusive effects and loss of light.

Reasons

3. The appeal proposal would include further extension to the property at rear ground floor level. A first floor rear extension is also proposed that would be set back, projecting from the rear wall of the host building to a similar depth as the existing ground floor addition. Both extensions would span the full width of the rear of the building and sit very close to the boundary of the neighbouring No 88, with which the appeal property forms a semi-detached pair.

4. The Council raise concerns about the impact of the rear extensions on the rear facing windows of No 88. To the rear this property has a small conservatory at ground floor level and a first floor window, that the Council indicates serves a bedroom, that could be affected by the proposal due to their positions close to the boundary with the appeal property.

5. In relation to loss of light, the Appellant makes reference to drawings that were submitted to demonstrate that the proposal would not unreasonably impact on the occupiers of No 88. The Council refer to aspects of these drawings that are inaccurate in their view. However, they do not explain in any detail in what respects they consider them to be inaccurate. As such, and in the absence of any obvious discrepancies, I have considered the drawings at face value.

6. The height and depth of the proposed ground floor extension would result in a built form at the boundary with No 88 that would rise significantly above the existing fence that separates the 2 properties. The extension would be an imposing feature as viewed from the conservatory of No 88 due to its proximity to the boundary. The result would create an overbearing and intrusive effect and a significant level of enclosure that would negatively affect the living conditions of the occupiers of No 88 to an unreasonable degree.

7. Further, the Appellants drawings indicate that the relationship between the conservatory at No 88 and the proposed ground floor extension would breech the 45 degree angle of light standard set out in Appendix 3 of the Dacorum Local Plan (2004). Whilst Appendix 3 is of some age, it is a reasonable starting point for assessing the effects of the proposed development.

8. From my own observations on site I judge that, accounting for the boundary fence and planting at the boundary, the proposed development would reduce light levels to the ground floor conservatory to an unreasonable degree. I see nothing further in the evidence to suggest that this would not be the case. This, in combination with the overbearing effects discussed above, would further negatively affect the living conditions of the occupiers of No 88.

9. The proposed first floor extension would have an effect on a first floor window at No 88. However, there is already a level of enclosure to this window due to the existing first floor extension of No 88. Given these existing conditions and that the proposed extension has been set back at first floor level, the degree of enclosure resulting from this addition would not be significant.

10. Further, the Appellant has submitted drawings to demonstrate that there would not be a significant level of light loss to the first floor window resulting from the extension. From my own observations on site, this appears to be a reasonable conclusion.

11. For the reasons set out above, I conclude that the proposed ground floor rear extension would have a harmful effect on the living conditions of the neighbours at 88 Alexandra Road, particularly in terms of overbearing and intrusive effects and loss of light.

12. Consequently, I find conflict with policies in the Local Plan, in particular Policy CS12 of the Dacorum Core Strategy and saved Appendix 3 of the Dacorum Local Plan which, taken together seeks to ensure that development is of a good standard of design, including in terms of its relationship with and respect for adjoining properties, avoiding intrusion, and loss of light.

Other Matters

13. The Appellant's statement of case makes reference to a lack of communication from the Council and general issues relating to the handling of the planning application. These are matters best addressed by the Council and are not factors that weigh significantly in the appeal process, which instead focuses on the merits of the proposal.

Conclusion

14.For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR