



Appeal Decision

Site Visit made on 1 April 2021

by Mr Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2021

Appeal Ref: APP/A1910/D/20/3258261

24 Finch Road, Berkhamsted HP4 3LH

- 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 Anneke Laux against the decision of Dacorum Borough Council.
 - The application Ref 20/00758/FHA, dated 24 March 2020, was refused by notice dated 17 July 2020.
 - The development proposed is two storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and single storey rear extension at 24 Finch Road, Berkhamsted HP4 3LH in accordance with the terms of the application, Ref 20/00758/FHA, dated 24 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (scale 1:1250); 3068.04.03; 3068.02.03; 3068.05.01; 04820-001.
 - 3) The development hereby permitted shall be constructed in accordance with the materials specified on the approved plans.
 - 4) No development above ground level shall take place until full details of all external hard surfaces and means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

Applications for costs

2. An application for costs was made by Anneke Laux against Dacorum Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The effect upon the living conditions of neighbouring occupiers at No 22 Finch Road (No 22), having particular regard to sunlight and potential visual intrusion.

Reasons

4. The appeal property (No 24) is currently comprised of a detached two-storey dwelling with an integral single garage positioned to its side. It makes up part of a linear row of residential properties. The proposal involves the demolition of the garage and the erection of side and rear extensions.
5. No 22, also a detached dwelling, is positioned to the northwest of No 24. No 22 has a stepped rear building line, owing to the existence of a single-storey rear addition. The original rear elevation contains a canted bay (the bay) that is situated in proximity to the side boundary shared with the appeal property. Glazed double doors punctuate the bay at ground floor level and provide access to an external patio area from No 22's dining room. The double doors are flanked by windows to the bay's angled sides. A side-facing window opening serves No 22's rear addition and addresses the patio area's north western edge.
6. It has been brought to my attention that planning permission¹ was granted in October 2020 for an amended form of development at this site. That amended scheme is of similar composition when compared to the appeal proposal now before me but involves a side extension of reduced depth at first-floor level. The October 2020 permission would represent a realistic fallback position should this appeal be unsuccessful. Nevertheless, I must consider the proposal that is before me upon its own individual merits.
7. The precise orientation of the site indicates that only during certain daylight hours, when the sun is rising, would there exist the realistic potential for the proposal to influence levels of sunlight able to reach the rear of No 22. It is important to note that the rear part of the proposed side extension would be served by a roof of subservient height and pitched form and would be set slightly forward when compared to the rear building line of the works intended at ground floor level beneath.
8. The 45-degree rule has been referred to at various points in the written evidence that is before me, and annotations in this regard appear upon the submitted plans. This rule is supported by British Research Establishment guidance² and can assist in assessing the effects of a development proposal upon levels of sunlight. The submitted plans indicate that the 45-degree rule is passed when No 22's glazed double doors are assessed on either a horizontal or vertical axis.
9. I have noted suggestions raised that the submitted plans are inaccurate and misleading. Indeed, it is possible that some confusion could have been caused by scaling bars appearing on a plan³ that contains various elevations drawn at differing scales. However, having comprehensively considered the contents of the plans and having visited the site and neighbouring grounds of No 22, I am content that the submitted plans are clear and accurate and that they satisfactorily correspond with the description of development given.
10. In the above context, whilst taking into account that No 24 sits at a slightly higher level when compared to No 22, I find that the proposal would not result in any undue loss of sunlight for the occupiers of No 22. This is even when

¹ 20/02549/FHA

² Site Layout Planning for Daylight and Sunlight (2011)

³ 3068.04.03

acknowledging the recessed nature of No 22's patio area. I am similarly satisfied that levels of daylight would not be unduly diminished.

11. Moving on to consider potential visual intrusion, the modest extent of the intended rear projection and the stepped-down nature of the proposed pitched roof to the rear are factors that offer assurances that the works would have an acceptable effect. Furthermore, the proposed extensions would be setback from the shared boundary with No 22 (albeit by a limited distance). I am satisfied that the extensions would not appear visually intrusive nor overbearing when experienced from internal or external areas of No 22.
12. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers at No 22, having particular regard to sunlight and potential visual intrusion. The proposal accords with Policy CS12 of the Dacorum Core Strategy (September 2013) in so far as it states that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

Other Matters

13. The proposed extensions have been designed to appear subservient to the host dwelling and the intended works would respect the form and pitch of the main roof. The intended front porch feature would appear as a modest and acceptable addition to the Finch Road streetscene, which already contains a range of architectural features and external facing materials. On this basis, the character and appearance of No 24 and its surroundings would not be harmed by the scheme.
14. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

15. In the interests of certainty, a condition specifying the approved plans is required. In the interests of protecting the character and appearance of the area, a condition is reasonable and necessary to ensure that the external facing materials to be used match the details provided. For the same reason, when noting that an extended driveway area and new retaining walls are depicted upon the approved block plan, a condition is reasonable and necessary to secure full details of all external hard surfaces and means of enclosure.
16. I do not consider it reasonable to impose a planning condition requiring a full scheme of hard and soft landscaping works to be submitted for approval. Indeed, the proposal is primarily centred upon residential extensions of relatively modest scale. Furthermore, no such condition was imposed when planning permission was granted in October 2020 for an amended scheme of similar makeup.

Conclusion

17. For the reasons given above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR