



Appeal Decision

Site Visit made on 15 June 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2021

Appeal Ref: APP/A1910/D/21/3271067

Fairways, 24 Lockers Park Lane, Hemel Hempstead, Hertfordshire HP1 1TH

- 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 & Mrs Courtney against the decision of Dacorum Borough Council.
 - The application Ref 20/03046/FHA, dated 10 September 2020, was refused by notice dated 21 December 2020.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at Fairways 24 Lockers Park Lane, Hemel Hempstead, Hertfordshire HP1 1TH in accordance with the terms of the application Ref 20/03046/FHA dated 10 September 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 24LPL/1, 24LPL/2, 24LPL/3, 24LPL/4, 24LPL/5, 24LPL/6, 24LPL/5R1 and 24LPL/6R1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 22 Lockers Park Lane with particular regard to light and outlook.

Reasons

3. There is an existing single-storey projection to the side of the appeal dwelling, above which a first-floor extension is proposed. The majority of the extension would be positioned forward of windows to the front of the closest two-storey part of 22 Lockers Park Lane, and would also be visible from windows to the side of the deeper, front part of this neighbour which face the boundary. However, it would be no taller or deeper than the host dwelling behind and would not therefore result in additional enclosure. In addition, the pitched roof to the existing side projection is of significant height in comparison to these neighbouring windows, and it was apparent from my visit that it already makes up the predominant element of views from them towards the site, with the dwelling beyond only a small component. The proposal would increase the

height of the closest part of the appeal building, but with regard to the existing relationship that I observed, I consider that any change in views or outlook from these windows to No 22 would in reality be limited, and would not detract from the quality of life experienced by these occupiers.

4. Turning to consider light, I acknowledge that the development would be to the south of No 22. However, in accordance with guidance within Appendix 3 of the Dacorum Borough Local Plan 2004 (DBLP), the appellant indicates that it would not intrude a 45 degree angle taken from the centre line of the ground-floor window to the front of the side projection to No 22. In addition, the facing ground-floor windows to the side of this neighbour serve a hallway rather than a habitable room, or are secondary to a room which includes other windows set forward of the extension. Moreover, I have already noted that the extension would be no higher or deeper than the host dwelling which is of fairly limited depth, and it would be of modest width. Given these factors and the orientation and existing relationship of the appeal building to No 22, I do not consider that the development would cause significant new overshadowing or loss of sunlight or daylight so as to impact meaningfully on the living conditions of occupiers.
5. The Council has also raised concerns about the effect of the proposal on light to the single-storey part-glazed structure to the side and rear of No 22 which is positioned broadly to its south east. However, the side of this structure facing the appeal site is of solid construction. The roof is currently polycarbonate, but is somewhat opaque, and irrespective of any intention by the neighbour to recover it in tiles, it seems to me that it is the glazing to the rear which is the principal source of light. In any event, given the current height of the single-storey part of the appeal dwelling and the width of the extension, any additional shadow cast by the development in comparison to the existing situation is likely to be of only very limited duration over a short period in the late afternoon/evening. I am therefore satisfied that any loss of light would not be significant or cause appreciable harm to the living conditions of occupiers.
6. For these reasons, I conclude that the proposal would not unacceptably harm the living conditions of the occupiers of 22 Lockers Park Lane with respect to outlook or light. Accordingly, I find no conflict with Policy CS12 of the Core Strategy 2013 which requires, amongst other things, that development avoids visual intrusion, loss of sunlight and daylight to surrounding properties; nor with guidance within Appendix 3 of the DBLP seeking satisfactory levels of light for existing dwellings. For the same reasons, it would accord with the requirement within the National Planning Policy Framework for a high standard of amenity for existing and future users.

Conclusion

7. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. Subject to conditions that are necessary in the interests of certainty and to safeguard the character and appearance of the area, I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR