
Appeal Decision

Site visit made on 2 June 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 25 June 2021

Appeal Ref: APP/A1910/W/21/3268586

2 Cemetery Hill, Hemel Hempstead HP1 1JF

- 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 and Mrs Holmes against the decision of Dacorum Borough Council.
 - The application Ref: 20/03246/FUL, dated 23 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is the change of use of ancillary building into separate residential accommodation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether appropriate living conditions would be secured for the future occupiers of the proposed dwelling;
 - the effect of the development upon the living conditions of the occupiers of the existing dwellings; and
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Living conditions for future occupiers

3. The appeal site consists of an outbuilding located to the rear of the existing house's garden. The proposed dwelling would be open plan in nature. The building would be accessed via the side elevation, where a pergola would be constructed.
4. Due to the proximity of development to the existing houses, views from the existing dwellings would be possible into the garden and the dwelling. This would mean that occupiers of the proposed development would not benefit from appropriate levels of privacy. This would be of particular concern as the layout of the development would mean that residents of the dwelling would not be able to move into a different room to secure privacy.

5. Whilst the windows of the side elevation would be either small or could be fitted with obscured glazing, the larger form of the neighbouring dwellings would remain readily apparent giving the impression of being overlooked.
6. I have had regard to the appellant's suggestion that a condition could be imposed that would ensure that the roof light of the dwelling be fitted with obscure glass. Whilst this would ensure that overlooking of the dwelling could not take place through this aperture, it would not address the other matters in respect of privacy. Therefore, this suggestion does not overcome my previous concerns.
7. In addition, the garden being of a small scale would also be predominantly overlooked. This is a concern as this is the only space where outdoors recreation would be able to take place. Whilst the proposed development includes a pergola, this would not overcome all of the aforementioned adverse effects due to its positioning and proportions.
8. Although the windows of some neighbouring properties are fitted with obscure glazing, others are not. Therefore, the fenestration of the existing dwellings does not overcome my concerns.
9. Furthermore, owing to the relatively short garden associated with the proposed development, residents would not benefit from appropriate levels of outlook. In particular, the boundary treatments and pergola would restrict outlook to an unacceptable degree.
10. The amount of space that would be available for residents to undertake outdoors recreation would also be limited owing to the size of the garden. Whilst the size of the dwelling means that it is unlikely to be occupied by families, the restricted garden size would limit the residents from undertaking the full range of recreation activities, as well as household activities such as the drying of washing. The living conditions of residents would be further diminished as refuse and materials for recycling might need to be stored within this area.
11. I therefore conclude that the proposed development would not provide appropriate living conditions for the future occupiers of the development. In this regard, the proposed development would conflict with the requirements of Policy CS12 of the Dacorum Core Strategy (2013) (the Core Strategy). Amongst other matters, this seeks to ensure that developments provide a sufficient space for servicing and respect adjoining properties.

Living conditions of the occupiers of existing dwellings

12. The proposed development would be to the rear of the existing house. This would mean that the existing garden, which is relatively narrow would be subdivided.
13. By reason of the proposed development, the level of outlook experienced by users of the garden would be diminished by reason of the creation of the level of outlook. This would arise from the insertion of more boundary treatments at the site.
14. In addition, the restricted garden space would make it difficult for occupiers of the dwelling to undertake recreation activity, or other pursuits such as outdoors play. This is particularly concerning as the existing dwelling is of a

relatively large size and therefore the absence of space to undertake private outdoors recreation would prevent residents of the proposed development from experiencing appropriate living conditions.

15. The proposed development would also reduce the level of privacy experienced in the garden owing to the proximity between the proposed development to the existing garden, which would further reduce the useability of space. Views would also be possible of rear elevation windows, which would add to the general character of being overlooked. This would occur irrespective of the topography of the surrounding area.
16. I have noted the appellant's suggestion that permitted development rights could be removed. However, these should not be removed on a blanket basis unless exceptional circumstances apply. The evidence before me is not indicative that such circumstances apply to the appeal scheme.
17. I therefore conclude that the proposed development would erode the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conflict with Policy CS12 of the Core Strategy. Amongst other matters, this seeks to ensure that developments avoid a loss of privacy and respect adjoining properties in terms of amenity space.

Character and appearance

18. The appeal site is located at the junction of Cemetery Hill and South Hill Road. The surrounding developments comprise a mixture of residential properties. This includes a variety of terraced, semi-detached and detached houses, as well as some bungalows. In addition, some of the houses include garages.
19. Whilst the proposed development would be of a different form to other dwellings within the vicinity, the proposal would retain the form of the existing building. Given this and the variety of buildings that are present within the surrounding area, this would ensure that the development would not appear to be incongruous.
20. In reaching this view, I have had regard to the existing appearance of the building, which has a domestic form owing to its use as an annexe.
21. Furthermore, had I been minded to allow the appeal, I could have imposed conditions that would have controlled the materials from which the external alterations would be undertaken in. This would mean that the proposal would harmonise with its surroundings.
22. Due to the strong linear form of development within the surrounding area, the proposed development would be relatively well screened. This would mean that it would not be particularly prominent when viewed from several different vantage points in the surrounding area. This would mean that it would not be a strident addition to the surrounding area.
23. I therefore conclude that the development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would comply with the requirements of Policies CS11 and CS12 of the Core Strategy. Amongst other matters, these seek to ensure that developments integrate with the streetscape character; and preserve attractive streetscapes.

Other Matters

24. The proposed development would result in the erection of a further dwelling in an urban area at a greater intensity. However, this is outweighed by the harm as previously identified.
25. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. In consequence, the provision of paragraph 11(d) of the Framework applies. In summary, this states that planning permissions should be granted unless the benefits are significantly and demonstrably outweighed.
26. Whilst the proposed development would make a contribution to the area's housing supply. The benefits are limited due to the scale of the development. Any economic benefits arising from the construction process are likely to be relatively small-scale and time limited in effect. Furthermore, any support of local businesses and services by the occupiers of the development is also likely to be relatively small-scale.
27. This means that the benefits are outweighed by the significant harm arising from the adverse effects on the living conditions of the occupiers of neighbouring properties and the lack of appropriate living conditions for the occupiers of the development. Therefore, the benefits of the proposal are significantly and demonstrably outweighed.

Planning Balance and Conclusion

28. Although the proposed development would not harm the character and appearance of the surrounding area, this is outweighed by the lack of appropriate living conditions for the occupiers of the proposed dwelling and the erosion of the living conditions of existing residents. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR