



Appeal Decision

Site Visit made on 15 November 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/A1910/W/21/3274477

Land SW of Rosewood, Shootersway Lane, Berkhamsted, HP4 3NW

- 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 Ms Andrea McPherson against the decision of Dacorum Borough Council.
 - The application Ref 21/00535/FUL, dated 9 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is Construction of 1 no dwelling with attached annex following demolition of existing detached double garage.
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1. This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act (2004) (as amended) and supersedes that issued on 26 November 2021.

Decision

2. The appeal is allowed, and planning permission is granted for Construction of 1no dwelling with attached annex following demolition of existing detached double garage, at Land SW of Rosewood, Shootersway Lane, Berkhamsted HP4 3NW, in accordance with the terms of application Ref: 21/00535/FUL, dated 9 February 2021, and subject to the conditions in the attached schedule.

Application for costs

3. An application for costs was made by Ms Andrea McPherson against Dacorum Borough Council. This is the subject of a separate decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site primarily consists of open garden land located between Rosewood and the adjacent neighbour, Ravels. Towards the front of the site there is a detached outbuilding situated behind a well-established hedgerow which demarks much of the existing front boundary. The site also hosts mature trees and as an undeveloped space, it allows for clear views of well-established landscaping on and beyond the site.
6. The appeal site is located on a road which has a demonstrably verdant quality to it. The narrow highway is lined by generous grass verges and front boundaries generally consist of mature and well-maintained landscaping. In addition, although the surrounding architecture varies, houses generally have

space about them albeit in an irregular manner. Consequently, the surrounding environment is characterised by its verdant and spacious qualities, attributes that the appeal site makes a positive contribution towards in its current form.

7. The proposal would introduce a detached dwelling between Rosewood and Ravels. Accordingly, it would substantially reduce the space between the existing properties. It would also replace the existing outbuilding with a structure with a marginally taller eaves and ridge height. Despite this, the siting of the proposed dwelling would be such that it would maintain a generous separation distance to Ravels. The building would also be set back from the road to the same extent as the houses either side. Accordingly, the principal building would have space about it in a manner commensurate to other nearby properties. As a consequence, I am satisfied that the siting of the main house would be sympathetic to the prevailing urban grain of the surroundings.
8. The proposed outbuilding would increase the amount of built form on the appeal site. However, it is not uncommon in the locality for dwellings to have generous outbuildings located beyond them, and close to the highway. Although the current site arrangement is such that the outbuilding is experienced with open space beyond, this does not automatically mean that the proposed site layout would appear cramped. Space would remain between the buildings and the verdant context within which the appeal site is experienced would not be unduly compromised. Views of mature trees and established landscaping would be maintained and the space between properties would be sympathetic to the immediate surroundings. Accordingly, in my judgement, the proposal would not appear cramped. Instead, it would result in a form of development that would make good use of the site in a manner that would be suitably respectful to the established verdant and spacious surroundings.
9. Notwithstanding my findings, due to the location of a car parking space between the proposed outbuilding and front site boundary, the established hedgerow would be compromised. The details before me confirm that a new soft boundary would be created and, in my judgement, the success of this feature would be fundamental to the success of the proposal. Accordingly, although no conditions have been suggested by the Council, I find that a landscaping condition to control this matter is entirely necessary and that the full details should be agreed prior to development commencing.
10. Subject to the condition identified above, I conclude that the proposal would not harm the character and appearance of the surrounding area. It would therefore comply with Policies CS11 and CS12 of Dacorum's Local Planning Framework Core Strategy (2013), which taken together, seek development which respects typical density and integrates with streetscape character.

Other Matters

11. The south facing elevation of the proposed dwelling would face towards Ravels. However, other than a door at ground floor level and a high level roof light, the flank elevation of the main dwelling would be blank. Accordingly, it would not afford direct views towards the neighbouring property and rear facing windows would only provide oblique views. The principal dwelling would therefore not harm the privacy levels for the occupants of Ravels. The annexe to the front of the house would have openings within the south facing elevation. However, this

would be substantially set back from the shared side boundary, and as a consequence, I am satisfied that existing privacy levels would not be compromised.

12. Due to the space between buildings, I am also satisfied that the proposal would not give rise to an unacceptable sense of enclosure or overbearance. Moreover, for the same reason, the proposal would not cause undue noise and disturbance. Accordingly, the proposal would not harm the living conditions for the occupants of neighbouring properties, and I note that the Council arrived at the same conclusion.

Conditions

13. In light of my findings set out above, conditions are necessary in the interests of precision and clarity to establish the time limit for the commencement of development as well as to list the approved drawing numbers. In addition, to ensure a high quality finish for the proposal, a condition is necessary to agree facing materials. Condition 4 is necessary to ensure that the levels of the proposal are sympathetic to the existing streetscene, and as identified above, conditions 5 and 6 are necessary to preserve the characteristic verdant surroundings.
14. Where conditions require details to be submitted prior to the commencement of development, the appellant has agreed to this in writing.

Conclusion

15. For the reasons identified above, the appeal should be allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF 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 implemented strictly in accordance with the following drawing numbers: 001; 105 Revision A; and 110 Revision A.
- 3) No development shall take place beyond slab level until full details of the proposed facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.