



Appeal Decision

Site visit made on 7 January 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/A1910/W/21/3277915

74 Brook Street, Tring HP23 5EF

- 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 Eva Ferrara against the decision of Dacorum Borough Council.
 - The application Ref 20/04015/FUL, dated 10 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is erection of one bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including the effect on trees; and
 - the living conditions of neighbouring occupiers with regard to the outlook and privacy of the occupiers of No 74 Brook Street (No 74) and the outlook and light of the occupiers of No 20 Brookfield Close (No 20).

Reasons

Character and appearance

3. The site lies at the back of No 74 in an area largely characterised by detached and semi-detached properties in large plots and moderate spacing such that the area has a pleasant open character and appearance.
 4. The proposal would be accessed from the street to the rear, Brookfield Close. As such, the site has a closer relationship with this road than to Brook Street. The ground level in the area slopes down towards Brook Street such that the bungalows to the south of the site are on a lower ground level than the street on Brookfield Close and therefore appear to be a very low height. Accordingly, this arrangement results in Brookfield Close having a spacious feel. The dwellings on the opposite side of Brookfield Close are at higher ground level and are generally two storey and set back from the highway such that the area retains a sense of spaciousness.
 5. The proposal would occupy the majority of the plot and would have a relatively small garden compared with the other dwellings in the area. As such, the building would appear overly large for the size of the plot and would harmfully depart from the spacious prevailing pattern of development.
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6. The proposed building would have a bedroom within the roof space and the eaves height of the building would be some distance from the top of the ground floor windows. Furthermore, there would be windows at upper level in the gable ends of the building. As such, the building would have a two-storey massing and would be significantly taller than the adjacent bungalows. It would therefore unduly dominate the street scene of Brookfield Close and would harmfully erode the spacious character of the area.
7. A number of trees are sited across the boundary of the site with the pavement. These provide a pleasant aspect to Brookfield Close. While the evidence indicates that only one tree is proposed to be removed, given their spacing, it is likely that more trees would need to be removed to facilitate access to the proposed driveway. In addition, there is little evidence regarding tree protection measures that demonstrate that the proposal would result in no harm to the trees that are not proposed to be removed.
8. While I note the evidence regarding the condition of the trees, and that they are not subject to Tree Preservation Orders, three of the trees appeared to be in reasonable condition during my site visit and of a significant height. As such, their loss would harm the character and appearance of the area.
9. Furthermore, there is little substantial evidence before me, such as an Arboricultural Report, which details the condition of the trees. Therefore, while I note the removal of other trees along the street, the loss of the trees along the boundary of the site would not be justified on the basis of their condition. I have considered the use of a condition to require an Arboricultural Report, However, there is little information before me to demonstrate that such a condition would make the proposal acceptable in terms of character and appearance.
10. Consequently, the proposed development would harm the character and appearance of the area, including the trees. Therefore, it would conflict with Policies CS11 and CS12 of the Core Strategy 2006-2031 Adopted September 2013 (CS) which together seek development that enhance the general character of an area and integrate with the streetscape character.

Living conditions

11. The proposal would introduce a dwelling in the rear garden of No 74. Given that the proposed dwelling would be sited at a significantly higher ground level than No 74 and with limited separation distance, the building would dominate views from the rear patio area of No 74, unduly diminishing the outlook of the occupier.
12. Moreover, the Appellant has indicated that there would be fence introduced between the two properties. This would further reduce the outlook from the patio areas which are at a much lower ground level than the proposed dwelling.
13. I acknowledge that CS Policy CS12 does not specify separation distances and I have had regard to the Site Level drawing provided by the Appellant. However, the drawing does not indicate the location of the fence and in any event, given the difference in ground level and distance between the proposed building and that of No 74, the proposal would result in an unacceptable outlook for the occupiers of No 74.

14. It is likely that a fence would be erected between the two properties. A tall fence would be likely to screen any views from the ground floor of the proposed scheme to No 74. The drawings indicate a window at high level from the bedroom that would look towards No 74. While this window may result in a perceived loss of privacy to the occupiers of the neighbouring property, CS Policy CS12 does not mention perceived loss of privacy and there would be no Policy conflict in this particular respect.
15. The proposal would be sited in close proximity to the boundary with No 20. A window in the flank wall of No 20 faces the site. While the view from this window is currently dominated by the boundary fence, the proposed dwelling would project a significant distance above the fence, removing most of the remaining outlook towards the sky and significantly diminishing the amount of daylight reaching the space. While I note the evidence regarding the erection of outbuildings, this has not altered my finding on this main issue.
16. Consequently, the proposal would harm the living conditions of the neighbouring occupiers with regard to the outlook and privacy of the occupiers of No 74 and the outlook and light of the occupiers of No 20. Therefore, it would conflict with CS Policy CS12 which seek development that avoid visual intrusion and loss of daylight among other things.

Other Matters

17. I note the evidence regarding the effect of the proposal on other properties in the area. However, any lack of harm in these respects do not weigh in favour of the proposal.
18. The scheme would contribute a dwelling to the local housing supply, and I acknowledge the evidence regarding density and efficient use of land. Furthermore, I acknowledge the age of the Dacorum Borough Local Plan. I also note the evidence regarding the validity of the original planning application. However, given the harms identified above, these matters have not altered my overall decision.
19. The subdivision of the existing plot would result in a significantly reduced private amenity area for the occupiers of No 74. In addition, since the remaining area would be split across two ground levels and stepped, there would be very little usable private amenity space. Since the property is a three-bedroom dwelling, the remaining private amenity area would not meet the needs of a small family. In any event, since I am dismissing the appeal for other reasons, this issue has not been determinative for the outcome of the appeal.

Conclusion

20. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R.Sabu INSPECTOR