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## Appeal Decision

Site visit made on 21 March 2022

**by Gary Deane BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31<sup>ST</sup> March 2022**

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**Appeal Ref: APP/A1910/D/22/3291812**

**4 Reson Way, Hemel Hempstead HP1 1NU**

- 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 James Hutchins against the decision of Dacorum Borough Council.
  - The application Ref 21/04354/FHA, dated 15 November 2021, was refused by notice dated 11 January 2022.
  - The development proposed is the erection of a rear dormer including rooflights in front roof slope, new rooflights in rear pitch and outbuilding.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear dormer including rooflights in front roof slope, new rooflights in rear pitch and outbuilding at 4 Reson Way, Hemel Hempstead HP1 1NU in accordance with the terms of the application Ref 21/04354/FHA, dated 15 November 2021, subject to the conditions set out in the schedule to this decision.

### Procedural matter

2. At the site visit, I viewed the site from 2 Thistlecroft with the consent of the occupier of this adjacent property and did so unaccompanied.

### Main issue

3. The Council appears to raise no objection to the proposal aside from the new dormer extension. From the submitted evidence, I, too, find the new rooflights and outbuilding acceptable because they would be modest in scale and appropriate in design and general appearance. Consequently, the main issue is the effect of the proposed dormer extension on the living conditions of the occupiers of 2 Thistlecroft, with particular regard to privacy.

### Reasons

4. The elevated position of the new rear dormer would lead to a greater level of overlooking towards the rear of 2 Thistlecroft, which is residential property that backs onto the site, than would be possible from the existing upper rear windows of No 4. Having viewed the site from No 2, I can appreciate that the presence of the new dormer would also heighten a sense of being overlooked given that it would be visible from the rear of this neighbouring dwelling. That perception would be reinforced by the position of the new dormer roughly just above eye level when seen from the rear garden and patio of No 2 and its

ground floor rear windows, which serve habitable rooms, due to the notable difference in ground levels.

5. In my experience, some overlooking of this type is a common characteristic of the relationship between residential properties in main built-up areas. In this case, a reasonably generous distance would separate the new dormer and the rear windows of No 2, which the Council estimates to be about 27 metres. The appellant considers that the gap between these 2 properties is larger. Either way, the distance would comfortably exceed the minimum separation of 23 metres between the main rear wall of a dwelling and the front or rear wall of another that is put forward in Appendix 3 of the Dacorum Borough Local Plan 1991-2011 (LP). The LP explains that the purpose of applying that standard is to ensure privacy.
6. The intervisibility between the new dormer and the rear of No 2 would also be filtered through the foliage of some trees, which are mostly within the back garden of this adjacent property. Tree cover may reduce in the winter months when some specimens are not in leaf, which the appellant's visualisations show. Vegetation can also be cut back or removed at any time. However, the separation distance between Nos 2 and 4 would remain in either eventuality and, on balance, it would still maintain an adequate level of privacy for the occupiers of No 2.
7. Overall, I conclude on the main issue that the new dormer extension would not cause significant harm to the living conditions of the occupiers of No 2. As such, there is no conflict with Policy CS12 of the Council's Core Strategy 2006-2031 or the LP insofar as they aim to safeguard residential amenity.
8. The Officer's report also considers that the proposed dormer, if allowed, could set a precedent for roof level additions on other properties along Reson Way that cumulatively might have a significant impact on the rear of No 2. From what I saw, the Reson Way properties each has a different relationship to the rear of No 2 and the effect of a proposal would also depend on details such as the scale of the change and the position of new windows. If such a proposal were to come forward then it should be assessed on its own merits, as I have done in this instance.
9. For the same reason, I attach no more than limited weight to the examples of dormer extensions to buildings in the local area, to which the appellant has referred. From the information provided, none of the examples cited appear to be the same or very similar to the particular circumstances in this case.

### **Conditions**

10. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.

### **Conclusion**

11. For the reasons set out above, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR

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**4 Reson Way, Hemel Hempstead HP1 1NU**

**Schedule of 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: Refs RW01 Revision A, RW02 Version A, RW03 Version A, RW04 Version A, RW05 Version A, RW06 Version A, RW07 Version A, RW08 Version A, RW09 Version A, RW10 Version A, RW11 Version D, RW12 Version D, RW13 Version D, RW14 Version D, RW15 Version A, RW16 Version A, RW17 Version A, RW18 Version A, RW19 Version A, RW20 Version A, RW21 Version A and the Site Location Plan, which shows the site edged red.
- 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.