

Appeal Decision

Site visit made on 27 May 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/A1910/D/22/3297019
16 Cowper Road, Berkhamsted, HP4 3DE

- 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 Mark and Barbara Ashley against the decision of Dacorum Borough Council.
 - The application Ref 21/04453/FHA, dated 24 November 2021, was refused by notice dated 10 February 2022.
 - The development proposed is single storey rear extension. Installation of roof lights and construction of outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal property is located within the Berkhamsted Conservation Area. The Council is satisfied that the proposal would not result in harm to heritage assets and the main issue is as set out below.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 15 Cowper Road, with regards to outlook.

Reasons

4. The appeal property is a two storey end of terrace dwelling located within a residential area at the end of Cowper Road. Whilst set close to the road at the front, the appeal property has a relatively long rear garden which runs alongside Charles Street to the south.
 5. As noted above, the appeal property is located within the Berkhamsted Conservation Area which in this location is notable for the presence of traditional terraced dwellings with gardens to the rear and an array of attractive period features, including bay windows, decorative brickwork and original fenestration.
 6. Cowper Road slopes down from south to north and consequently, the appeal property sits higher than its adjoining neighbour, Number 15 Cowper Road. During my site visit, I observed that No 15 has a modest single storey
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extension to its rear outrigger and I also noted the presence of small outbuildings located within the gardens to the rear of the appeal property and its neighbours.

7. The proposed rear extension would project beyond No 15's ground floor rear extension. I find that this factor, when combined with the overall height of the proposed extension, would result in the proposal appearing to loom above the rear of No 15 to an overbearing degree. The harm arising from this would be exacerbated as a result of the change in levels between the two dwellings, such that the height of the proposal would be exaggerated when seen from No 15 and leading it to appear as an unduly dominant feature when seen from this neighbouring property.
8. Further to the above, No 16 is located to the south of No 15 and I consider that a combination of the overall height, scale and location of the proposal would result in a loss of daylight and sunlight to the rear of No 15 and this is a factor that adds to the level of harm identified.
9. Whilst I note above that the gardens to the rear of Cowper Road in this location are characterised in part by the presence of outbuildings, these tend to be small and as such, appear in keeping with their domestic garden setting.
10. The proposed outbuilding to the rear of No 15's garden would comprise a tall, wide and long structure. Its overall dimensions, when added to the change in levels between No 15's rear garden and that of No 16, would result in the presence of an unduly dominant structure that would appear to loom over No 15's rear garden to an overbearing degree.
11. Whilst I observed there to be a tall wall at the end of No 16's rear garden, the front of the proposed outbuilding would be located much closer than this to No 15's rear windows and outside sitting areas; and it would also run alongside and appear above a considerable length of No 15's rear garden and these factors would add to the visually intrusive appearance of the proposal.
12. Taking all of this into account, I find that the proposed development would harm the living conditions of the occupiers of No 15 Cowper Road, contrary to the National Planning Policy Framework and to Core Strategy¹ Policy CS12, which together amongst other things, seek to protect residential amenity.

Other Matters

13. Whilst I note that the appellants could seek to develop an alternative form of outbuilding and that they consider that such a proposal may result in a less attractive form of development, this appeal focuses on the proposal before me.
14. I have found that that proposed development would result in significant harm and hence my decision below. Whether or not the appellants seek to develop another, different form of development is not something that provides a fallback position such that it mitigates the harm identified in respect of the proposal before me.

¹ Dacorum's Local Planning Framework Core Strategy 2006-2031 (2013).

Conclusion

15. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR