



Appeal Decision

Site visit made on 25 July 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2022

Appeal Ref: APP/A1910/D/22/3300471

136 Beechfield Road, Hemel Hempstead, HP1 1PL

- 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 Kapil Mehta against the decision of Dacorum Borough Council.
 - The application Ref 21/04646/RET, dated 2 December 2021, was refused by notice dated 1 April 2022.
 - The development proposed is 'Landscaping of rear garden to convert into a terraced form with retention walls'.
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Decision

1. The appeal is allowed and planning permission is granted for Landscaping of rear garden to convert into a terraced form with retention walls at 136 Beechfield Road, Hemel Hempstead, HP1 1PL in accordance with the terms of the application, Ref 21/04646/RET, dated 2 December 2021, subject to the following condition:
 - 1) The development hereby permitted shall not be retained other than in accordance with the approved plans: Location Plan; Existing Garden Landscaping; Proposed Garden Landscaping; Proposed Retaining Wall Design.

Preliminary Matter

2. I have used the Council's description of development in the banner heading as it accurately and concisely describes the proposal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of 134 Beechfield Road, with particular reference to outlook and privacy; and
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

Living conditions

4. The appeal site comprises a two-storey end of terrace dwelling which is located within a wider than average plot. The rear garden of the dwelling, as with those of neighbouring dwellings, rises steeply to the east.
5. The garden of the appeal property has been landscaped into a series of terraces, with associated retaining walls and railings. The appeal proposal is to retain the works which have already been carried out.
6. There is a small, level patio immediately to the rear of the host dwelling which is at about the same level as the patio to the rear of the neighbouring dwelling, 134 Beechfield Road. Adjacent to this patio is a boundary wall of conventional height which I do not find to be overbearing on patio area of No 134.
7. The remainder of the garden has been levelled to form three distinct terraces. The first terrace level is retained by a wall of about 2.13m in height. However, the neighbouring garden similarly rises such that much of the retaining wall is obscured by the sloping embankment. This shallow patio is enclosed by railings and a fence along the boundary with No 134. Given that the neighbouring garden is also sloping steeply, I conclude that neither the terrace nor the retaining wall is particularly overbearing on the garden of No 134.
8. The second raised terrace is a larger levelled area which has been surfaced with artificial grass. Again, the retaining walls, whilst fairly high, do not tower above the adjacent garden to an unreasonable extent. The third terrace is retained by a lower wall of about 1 metre in height and in my view is not overbearing on the garden of No 134.
9. The proposed works which have taken place do not significantly raise levels within the garden but create more usable, levelled areas. In terms of overlooking, views are obtainable into the rear windows and rear garden of No 134, particularly from the closest terrace. However, similar views would have been obtainable prior to the landscaping works taking place. Indeed, the photograph provided in the appellant's statement shows the raised, sloping terraces that previously existed, which would have offered similar views at close proximity.
10. Whilst the creation of level terraces may lead to more intensive use of the garden, boundary fences and enclosures help to minimise overlooking of the gardens to the side. The larger terrace has been surfaced with artificial grass and provides a more usable space for the appellant and his family. Views from this terrace are over the roof of the host dwelling and the neighbouring dwellings. However, similar views would have been obtainable from the steeply sloping garden prior to the landscaping taking place.
11. The landscaping that has taken place provides a more usable rear garden and has clear benefits from the appellant and his family that have to be balanced against any additional harm. Whilst this issue is finely balanced, given that similar views into the neighbouring properties would have been obtainable prior to the works taking place, I am satisfied that any increase in usage of the garden would not give rise to a significant loss of privacy to the occupiers of No 134, or other adjacent dwellings.
12. Thus, in conclusion of this main issue, I am satisfied that the proposed development would not lead to a significant loss of outlook or privacy to the occupiers of 134 Beechfield Road or other nearby dwellings. Accordingly, the

proposal does not conflict with Policies CS11 and CS12 of Dacorum Borough Council's Core Strategy 2006-2031 (2013) (CS), Appendices 3 and 7 of the Dacorum Borough Local Plan 1991-2011 (1991) (LP) or the National Planning Policy Framework (the Framework) which collectively aim to safeguard residential amenity.

Character and appearance

13. The retaining walls and steps involved in the landscaping of the garden have inevitably introduced hard landscaping features. However, in my view the works appear to have been well executed, with white painted walls, black railings and Indian sandstone patios closest to the house. The middle terrace has an artificial grass finish which softens the overall appearance of the garden. I therefore find that the landscaping that has taken place does not have a significantly harmful effect on the character and appearance of the host dwelling.
14. There is a public footpath adjacent to the side boundary of the site which rises up steeply from Seaton Road with a series of steps. The side boundary of the appeal site is formed by close boarded fencing which, along with trees, effectively screens the appeal site from public view. Mature trees adjacent to the rear boundary of the site screen the development from more distant views.
15. Whilst the landscaped terraces would be evident from rear windows of the immediately adjacent dwellings, the side boundary treatment ensures that longer distant views are largely screened. In any event, it is clear from my site visit that some other properties along this stretch of Seaton Road also benefit from levelled terraces which similarly accommodate sheds and other structures. Whilst the garden of the appeal property does have a more urban appearance than that of a steeply sloping grassed garden, in my experience steep grassed embankments can be challenging to maintain and often have an unkempt appearance.
16. Having regard to all of the above factors, I am of the view that the landscaping works have not had a detrimental effect on the character and appearance of the host dwelling or the surrounding area. Therefore, the proposal complies with Policies CS11 and CS12 of CS and Appendices 3 and 7 of the LP. These policies seek to ensure that development is guided by the existing topographical features of the site and its immediate surroundings; integrates with the streetscape character; harmonises with the original design and character of the house; and respects adjoining properties. It also accords with the Framework insofar as it states that developments should be sympathetic to local character and add to the overall quality of the area.

Conditions

17. I have imposed a condition as suggested by the Council to ensure that the development is retained in accordance with the approved plans in the interests of the visual amenities of the area and the living conditions of the occupiers of adjacent dwellings.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

J Davis

INSPECTOR