



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: 31 August 2022

Appeal Ref: APP/A1910/D/22/3298518

6 Nettlecroft, Hemel Hempstead, HP1 1PQ

- 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 Najib Sheeka against the decision of Dacorum Borough Council.
 - The application Ref 21/04271/RET, dated 9 November 2021, was refused by notice dated 16 February 2022.
 - The development proposed is described as 'Linked to approved planning application 21/01351/FHA retrospective planning for increased loft space with minor changes to front windows and internal layout'.
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Decision

1. The appeal is allowed and planning permission is granted for Linked to approved planning application 21/01351/FHA retrospective planning for increased loft space with minor changes to front windows and internal layout at 6 Nettlecroft, Hemel Hempstead, HP1 1PQ in accordance with the terms of the application, Ref 21/04271/RET, dated 9 November 2021.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 7 Nettlecroft, with particular reference to outlook, light and privacy.

Reasons

3. The appeal property is a detached dwelling located within a cul-de-sac comprising of other detached residential dwellings.
4. Planning permission¹ was granted in May 2021 for a part single storey, part two storey side extension, loft conversion and conversion of existing integral garage. However, additional works have been carried out on site and the appeal proposal seeks the retention of the unauthorised development.
5. Whilst the Council's officer report highlights several deviations from the approved plan, the most salient of these appears to be a hip-to-gable extension and an additional rear dormer.
6. The Council confirm that the proposed development is acceptable in terms of its design and appearance and I concur with this view. Therefore, the main

¹ LPA ref. 21/01351/FHA

issue is the effect of the proposal on the living conditions of the occupiers of the adjoining dwelling, 7 Nettlecroft.

7. The hip-to-gable extension and the additional rear dormer has added to the overall scale, bulk and mass of the appeal property. The appeal property is slightly higher than the neighbouring dwelling at 7 Nettlecroft. This dwelling is also two storey, with a single storey element across part of its rear elevation. The Council's main concern in relation to outlook and light relates to the patio which is adjacent to the living room and patio doors, rather than to any living accommodation within the dwelling itself.
8. The main rear elevation of the appeal property is broadly level with the two storey rear elevation of 7 Nettlecroft. Whilst the hip-to -gable extension and the additional rear dormer may have led to an increased sense of enclosure to rear patio of the dwelling, these works have taken place at roof level and given the separation distance between the two dwellings and their respective siting, I do not consider that the additional works have resulted in an unacceptably overbearing effect upon the patio.
9. In addition, whilst there may be some reduction in the amount of light received by the patio at certain times of the day, the overall effect of the proposal on light to the patio is not, in my view, seriously detrimental. Moreover, No 7 benefits from a large garden which whilst laid mainly to lawn, is largely unaffected by the proposal.
10. I am also satisfied that the proposal does not have a significantly harmful effect on the amount of light received by the living room to the rear of No 7 which the Council confirm is dual aspect.
11. Application ref. 21/01351/FHA granted planning permission for a loft conversion, including a rear dormer window. However, an additional dormer has been constructed on the rear elevation of the dwelling, which is closer to the boundary of the appeal site with 7 Nettlecroft.
12. I observed on my site visit that some overlooking of the rear garden of 7 Nettlecroft already exists from the first floor windows on the rear elevation of the appeal property and from the approved dormer window. The additional dormer window is closer to the boundary with No 7 than the consented dormer, and I can understand that the presence of the dormer close to the boundary would also heighten a sense of being overlooked. Whilst some additional views into the garden of No 7 are obtained, these are towards the rear of the garden and in my experience, some overlooking of this type is not uncommon in built up areas. I therefore conclude that the proposal does not have a significantly harmful effect on the living conditions of the occupiers of No 7 in relation to privacy.
13. The rear of the site is screened by trees and other planting and I am also satisfied that given the generous separation distances involved, the dormer does not give rise to any significant overlooking of properties to the rear, including 12 Woodland Close.
14. Overall, I conclude that the proposed development does not result in significant harm to the living conditions of the occupiers of 7 Nettlecroft, with particular reference to outlook, light and privacy. Thus, the proposal complies with Policy CS12 of Dacorum Borough Council's Core Strategy 2006-2031 (2013),

Appendix 3 of the Dacorum Borough Local Plan 1991-2011 (1991) and paragraph 130 of the National Planning Policy Framework insofar as they collectively aim to safeguard residential amenity.

Other Matters

15. In relation to third party comments regarding parking, the submitted drawings confirm that at least three parking spaces can be provided. I concur with the conclusion of the Council that this level of provision is acceptable and appropriate.

Conditions

16. It is not necessary to impose any conditions as the development has already been carried out.

Conclusion

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

J Davis

INSPECTOR