



Appeal Decision

Site visit made on 5 January 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/A1910/W/22/3302163

Imrie, Doctors Commons Road, Berkhamsted, Hertfordshire HP4 3DW

- 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 & Mrs R Sindall against the decision of Dacorum Borough Council.
 - The application Ref 22/01305/FHA, dated 21 April 2022, was refused by notice dated 17 June 2022.
 - The development proposed is Erection of a First Floor Domestic Extension.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a First Floor Domestic Extension at Imrie, Doctors Commons Road, Berkhamsted HP4 3DW in accordance with the terms of the application, Ref 22/01305/FHA, dated 21 April 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2202-5-004 003B, 2202-5-004 004B, 2202-5-004 005B, 2202-5-004 006D, 2202-5-004 007D, 2202-5-004 008B.

Procedural Matters

2. Amended plans have been provided to me following the Councils decision. If I were to determine the appeal on the basis of these amendments, it is possible that the interested parties who might wish to comment would be prejudiced. For this reason, I am considering the appeal on the basis of the scheme and the plans which were before the Council when it made its decision.
3. The application was determined on the basis of two proposed elevation plans which are listed in the refusal notice. Plan 2202-5-004 003B illustrates the retention of an existing front elevation brickwork detail. Plan 2202-5-004 003D illustrates the front elevation as being completely rendered. As consultation was undertaken on both plans and the appellant in their appeal statement states that the brickwork detail would be retained, the appeal is determined on the basis of plan number 2202-5-004 003B.

Main Issue

4. The effect of the proposal on the character and appearance of the Berkhamsted Conservation Area.

Reasons

5. The appeal site is within a row of residential properties and the end of a row of four contemporary houses, one of two with similar designs, both of which are two stories with flat roofs and partially recessed front elevations with balconies.
6. The appeal site is within the Berkhamstead Conservation Area. One of the key features of this part of the Conservation Area are the age and design of residential buildings opposite and the nearby school buildings. The design of most residential buildings on the appeal side of the road are contemporary but with different designs. Opposite mostly are older detached and semi-detached houses, built late 19th Century and early 20th Century, with a mix of hipped roofs front gables and projecting bay windows. These houses are built on higher ground, having views across a valley.
7. The appellant has provided me with a copy of a previous appeal decision (APP/A1910/W/15/3131958) which both parties have referred to. The appeal was for the demolition of an existing bungalow and erection of two detached dwellings, and dates from 2015. In the decision the Inspector referred to the setback of the first floor, its set in from the side boundary and the central brick detail which all combined "to articulate the front of the proposed dwellings, creating visual relief and breaking up their bulk when viewed in the street scene." The Inspector also described the resulting gaps to the boundary at ground floor and first floor level as creating "a definite sense of breathing space between the built form. It would allow views across the valley between the buildings, characteristic of development on this side of the road".
8. The proposal would infill the first-floor front recess, squaring off the front corner of the house to include a window and rendered finished to match the existing facade. Both the additional window and retention of the brick detailing in the middle of the first-floor front elevation would break the bulk of the design when viewed from the street-scene and provides visual interest. The design would integrate with the existing flat roof, rendered facade and would still be very similar to the neighbouring property Zaya House and other houses in the same row. Therefore, the design would still respect existing densities, scale, roof height, and streetscape of existing contemporary designed houses of which there is not a predominant single design.
9. The roof of the neighbouring house nearest to the infill, slopes away from the boundary, and its eaves are the same height as the first floor of the appeal house when viewed from the front. This relationship ensures there would remain sufficient separation at first floor to maintain the character of gaps between properties here. The existing gap to the boundary at first floor level which I viewed at my site visit was not significant, so the effect of the loss of this space at first floor level, taking account that the height would match the existing roof line, would be that those views across the valley and "definite sense of breathing space" are both retained.
10. The refusal reason identifies the heritage assets as being the Conservation Area and listed buildings. No evidence has been provided of any listed buildings at or near to the appeal site and the Questionnaire confirms that the proposal would not affect either a listed building or the setting of one. However, the older buildings here do form part of the key features of the Conservation Area. These houses are in stark contrast to the row of contemporary houses the appeal site is within. I find that the effect of the extension on the existing

design of the appeal house would not result in significant harm for the reasons set out above, and that there would be no harm to the character or appearance of the Conservation Area, which the proposal would preserve.

11. I therefore conclude that the development does not have a detrimental effect on the character and appearance of the Berkhamstead Conservation Area. As such there is no conflict with Policies CS11, CS12 and CS27 of Dacorum's Local Planning Framework Core Strategy 2006-2031 adopted September 2013 and relevant policies in the National Planning Policy Framework. These policies and this guidance seek, amongst other things, to ensure that new development is sensitive to the character and appearance of its surroundings and avoids harm to the significance of heritage assets.

Other Matters

12. I have regards to other matters raised relating to any benefits the scheme would have for improving privacy between neighbours. However, as I am allowing the appeal on the main issues for the reasons given above, I have not considered this further.

Conditions

13. I have imposed a condition specifying the approved plans as this provides certainty.

Conclusion

14. For the reasons given above, having regard to the development plan as a whole, the provisions of the National Planning Policy Framework, particularly with regard to conserving and enhancing the historic environment, I conclude that the appeal should be allowed.

S Crossen

INSPECTOR