



Appeal Decision

Site visit made on 14 February 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/A1910/D/22/3310774

Green Bank, Gossoms End, Berkhamsted, Hertfordshire HP4 1DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mrs Niomi Hannon against the decision of Dacorum Borough Council.
 - The application Ref 22/02721/FHA, dated 1 September 2022, was refused by notice dated 13 October 2022.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of no. 87 Gossoms End, with particular regard to outlook, sunlight and daylight.

Reasons

3. Green Bank is a two-storey mid-terrace property. Both Green Bank and adjoining neighbouring property, no. 87 Gossoms End, have two storey rear outriggers. The outriggers are stepped away from the shared boundary. This layout provides space for narrow patio areas, leading to private rear gardens.
4. Pedestrian access to the rear of both Green Bank and no. 87 Gossoms End, is via a shared covered walkway located between the two properties. The immediate rear side boundary between Green Bank and no. 87 is defined by a brick wall, sited centrally to the covered walkway. Two gates either side of the boundary wall provide access to the rear of each respective property.
5. The proposed extension is single storey in height and its length extends beyond the depth of the existing two storey rear outrigger. The proposed plans indicate that the boundary wall will be retained, with the side elevation of the proposed extension being located within close proximity of the wall.
6. A ground floor, rear facing habitable room window serves no. 87. This window is sited within close proximity of the covered walkway and shared boundary with Green Bank. This appears to be the only window serving the room. No. 87 also has two kitchen windows. One of these windows faces directly towards Green Bank, with the second window facing towards the rear garden of no. 87.
7. The proposed extension, due to its proximity with the shared boundary, height and significant length, would result in a visually dominant and overbearing

structure when viewed from the rear ground floor of no. 87. Furthermore, this arrangement would also overshadow and thereby reduce the amount of daylight to the adjacent patio area and ground floor, rear facing habitable room at no. 87.

8. I observed on my site visit that there is a ground floor side kitchen window at no. 87 that faces directly towards Green Bank. Whilst this window may experience some loss of daylight as a result of the proposed extension, the kitchen is also served by a second window. Due to the location and orientation of this second window, it would not be directly affected by the proposal. As a result of this arrangement, there would be no material loss of daylight to the kitchen as a result of the proposed development.
9. The proposed extension would be within a line drawn at 45 degrees from the rear facing window of no. 87. This demonstrates that the amount of sunlight reaching that window would be reduced from what it receives at present. Having regards to the orientation of the properties, the sunlight would be most affected during the afternoons. Taking account of the extent of the conflict, I consider that the development would result in an unacceptable loss of sunlight to the room this window serves.
10. Both parties accept that the existing layout of Green Bank already impacts on the 45 degree line when applied to rear facing habitable room window at no. 87. It has also been highlighted that the rear of these properties spend a large portion of the day in direct sunlight. Whilst having regard to the existing layout and orientation of the properties, I have found that the proposed layout would significantly exacerbate the current situation. It would result in a loss of sunlight of an unacceptable level.
11. It has been highlighted that the extension is modest in scale in terms of surrounding development and similar developments have been drawn to my attention. Based on the information submitted, the cases are not directly comparable due the layout, orientation, topography and relationship with surrounding properties. In any case, I have had regard to this case on its own merits.
12. For the above reasons, the proposed single storey side and rear extension would have a harmful effect on the living conditions of the occupiers of no. 87 Gossoms End, with regards to outlook and loss of sunlight and daylight. Accordingly, it would conflict with Policy CS12 of the Dacorum Borough Core Strategy 2013 (CS) and the Framework, which collectively seek, amongst other things, to avoid visual intrusion, loss of sunlight and daylight and provide a high standard of amenity for existing and future users.

Other Matters

13. I note the comments relating to the design of the proposed extension, with reference to the development being in scale and character with the original property and area. The Council have not raised any concerns regarding these matters, and I see no reason to disagree.
14. The extension has been designed to provide additional space that the family consider is necessary and meet the constraints of the site. It is also to replace the conservatory which, I understand, is no longer suitable for habitation due to the poor condition and lack of thermal efficiency. I have had regard to these

matters, but they do not carry sufficient weight to overcome the harm I have found to the living conditions of the occupiers of no. 87.

15. The appellant has stated they are open to amendments via condition. Plans have not been provided to demonstrate what amendments may be possible and I have to deal with the proposal based on the information before me.

Conclusion

16. For the above reasons, having considered all the policies drawn to my attention, the conflict with Policy CS12 of the CS leads me to conclude that there is conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR