

Appeal Decision

Site visit made on 9 May 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023.

Appeal Ref: APP/A1910/D/23/3316958

49 Crouchfield, Hemel Hempstead, Hertfordshire, HP1 1PA

- 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 Maurice O'Neill against the decision of Dacorum Borough Council.
 - The application Ref 22/03007/FHA, dated 30 September 2022, was refused by notice dated 29 November 2022.
 - The development proposed is construction of detached ancillary building.
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Decision

1. The appeal is allowed and planning permission is granted for a detached ancillary building at 49 Crouchfield, Hemel Hempstead, Hertfordshire, HP1 1PA in accordance with the terms of the application, Ref 22/03007/FHA, dated 30 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, Wren naj 06 2022, Wren naj 06a 2022
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 4) The building hereby permitted shall not be occupied until the window in the dormer facing 47 Crouchfield has been fitted with obscure glazing and is non-opening unless that part of the window which can be opened is more than 1.7m above the floor of the room in which the window is installed. Once installed the obscure glazing and limited opening shall be retained thereafter.
 - 5) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 49 Crouchfield.
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Main Issues

2. There are two main issues. Firstly, the effect of the proposed building on the character and appearance of the host dwelling, Thistlecroft and the surrounding area; and secondly, the effect on the living conditions of occupiers of surrounding and adjacent dwellings, particularly 47 Crouchfield, with respect to outlook and privacy.

Reasons

3. The appeal site comprises a chalet bungalow set on the corner of Crouchfield and Thistlecroft, a small cul-de-sac, and to the rear of the dwelling and accessed off Thistlecroft, a single storey, flat roofed detached garage. The proposed development would replace the garage, which is of no architectural merit, with an outbuilding with a pitched roof into which would be set pitched roof dormer windows facing towards Thistlecroft and towards the rear garden of 47 Crouchfield. The building would provide a store and summer house on the ground floor and ancillary residential accommodation at first floor.
4. Although the garden of the appeal dwelling is relatively small, the bungalow is on noticeably higher ground than the proposed outbuilding and this, coupled with the distance and open aspect towards Thistlecroft would ensure an adequate separation between the two. An appreciable gap would also be retained between the outbuilding and 1 Thistlecroft such that overall it did not appear cramped. Moreover, the outbuilding would be clearly subservient to the host dwelling.
5. The outbuilding would sit at an angle, adjacent to and forward of 1 Thistlecroft which is a chalet bungalow with a high pitched roof and pitched roof dormers on the front elevation. The dormers are prominent and extend up to the ridge. The pitched roof of the proposed outbuilding would slope away from Thistlecroft in the same way as at No 1 and on the host dwelling and the proposed dormers would be of a similar shape and scale. Although they would extend closer to the eaves there would be a clear separation which, coupled with the set down from the ridge and marked set in from the gable ends, which would be similar to that at No 1, would ensure they had a satisfactory appearance and did not appear overly bulky.
6. In terms of height, although the proposed outbuilding would be over 5m to the ridge it would be noticeably smaller than No 1 and appear significantly lower in the street scene than the host dwelling. This would ensure that it sat comfortably between the two and, although closer to the highway than No 1, the setback would be sufficient to ensure it did not appear overbearing or unacceptably prominent.
7. It is concluded on the first main issue that the proposed outbuilding would have a satisfactory appearance and visual relationship with both the host dwelling and other dwellings in Thistlecroft such that it had no materially detrimental effect on the character or appearance of the host dwelling, Thistlecroft or the surrounding area. In consequence, it would comply with Policy CS12 of the Core Strategy 2006-2031 (CS), adopted 2013, the National Planning Policy Framework (NPPF), advice in Appendix 7 of the Dacorum Borough Local Plan 1991-2011 (LP), adopted 2004 and the Area Based Policies Supplementary Planning Guidance Character Appraisal HCA10. Taken together these expect

new development to be visually attractive as a result of good architecture and layout and sympathetic to local character such that it integrates with the streetscape character and respects adjoining properties in terms of layout, scale, height and bulk.

8. Turing to the living conditions of neighbouring occupiers, I agree with the Council that the occupiers of 1 Thistlecroft would not be materially affected. Moreover, other dwellings in the cul-de-sac would be too far from the proposed outbuilding for it to materially affect their living conditions. 47 Crouchfield lies to the north of the proposed outbuilding which abuts its side boundary at the rear end of the garden. Some overshadowing of the rear garden at No 47 would be likely but I agree with the Council that, given the relative orientation of the buildings, this would not be materially harmful.
9. In terms of outlook, the proposed outbuilding would be clearly seen from No 47 at a distance of some 10m. However, as this dwelling, a bungalow, is set on noticeably higher land and views would be at an angle, with direct views remaining towards the side elevation of No 1, I do not consider that the limited loss of outlook and visual obstruction would materially harm the living conditions of occupiers.
10. Although the proposed rear dormer window would face towards the garden of No 47, this would serve a wet room and the plans indicate that it would be obscure glazed. A planning condition could secure this together with limited opening. This would ensure no loss of privacy occurred.
11. It is concluded on the second main issue that the proposed outbuilding would have no materially harmful effect on the living conditions of occupiers of surrounding and adjacent dwellings, particularly 47 Crouchfield, with respect to outlook or privacy. In consequence it would comply with Policy CS12 of the CS and with the NPPF which, taken together, expect new development to create a high standard of amenity for existing and future users and, in particular, avoid visual intrusion and loss of privacy.
12. The Council suggests four conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans and in materials which match the host dwelling in order to protect the character and appearance of the area and for the avoidance of doubt. I also agree that a condition should be imposed to ensure that the rear facing dormer window is and remains obscure glazed and with limited opening in order to protect the privacy of occupiers of 47 Crouchfield. Finally, I agree that the building should only be used as ancillary residential accommodation to serve the host dwelling to protect the residential amenity of neighbouring occupiers and I shall impose a condition accordingly.
13. For the reasons set out above and having regard to all other matters raised, including the representations of neighbours, I conclude that the appeal should be allowed.

KE Down
INSPECTOR