



---

## Appeal Decision

Site visit made on 13 June 2023

**by A.Graham BA(hons) MAued IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> July 2023**

---

**Appeal Ref: APP/A1910/D/22/3309955**  
**212 Cotterells, Hemel Hempstead HP1 1JP**

- 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 Daniel Hickey against the decision of Decorum Borough Council.
  - The application Ref: 22/02125/RET dated 5 July 2022, was refused by notice dated 30 August 2022.
  - The application is for construction of single storey timber framed outbuilding in garden.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council offered three reasons for refusal for the proposed scheme, the third of which was regarding the Conservation of Habitats and Species Regulations 2017 concerned with the potential for impact upon the nearby Chiltern Beechwoods Special Area of Conservation. The Council have since informed me that annexes and outbuildings are now out of scope of these regulations and as such I have determined the appeal upon the other reasons for refusal.

### Main Issues

3. The main issues are the impact of the proposal upon the living conditions of neighbours.

### Reasons

4. The appeal property is a mid terrace house within a street of similar such houses within very close proximity to the larger buildings and structures of Hemel Hempstead town centre. The house is a fairly typical mid terrace house with original outshut rear extension and gated access serving a path to the rear garden. The rear garden appears to slope upwards to a considerable degree. This slope has been excavated and retained through a small patio area associated with a previously built single storey rear extension that was constructed upon the original outshut.
5. The scheme before me has partially constructed a linear single storey structure to the far end of the rear garden upon the top of this slope. Due to historic ownerships some of the structure occupies an area of land that was not

seemingly within the original curtilage of the property and as such the structure extends wider than the original plot in a kind of T shape.

6. The structure is currently partially complete but utilises a grey/blue upvc type cladding and has one generous opening facing towards the garden of the appeal property. To its rear the structure is partially visible over the boundary fences of houses in Park Road but much of this is shielded by existing foliage and fencing. The whole structure is however raised upon a plinth that is reached by around five steps where a small area of decking gives access into the building.
7. I saw on my site visit that the scheme sits noticeably higher than any other ancillary type structure that I could see. The building also appeared to protrude significantly over the adjacent boundary fences that demark the side boundaries. This may have been exacerbated by the generous plinth deck upon which the building stands and which force its bulk to be higher.
8. From the space within I was able to clearly see towards the rear private rooms at both first and ground floor of the immediately adjoining neighbours at 214 and 210 Cotterells. I consider that such a view would represent a harmful level of overlooking of these private rooms to a degree that would not have existed prior to this building being constructed. Moreover, I consider that, when seen from the lower levels of the site the building appears more intrusive due to its height and the level of ground that it sits upon. I consider therefore that the building would cause a more overbearing impact upon adjoining neighbours as a result.
9. In terms of design and materials, although the building appears to have the potential to appear somewhat contemporary in its design, I cannot accept that the grey UPVC type cladding is responsive to the character and appearance of the area. By contrast the cladding would represent an alien intervention into the area and this is made worse through the attempts to disguise through plastic foliage material.
10. Ultimately this scheme has introduced a large building, upon a significant plinth, into what was previously a simple garden within a high density terraced area. Due to this density the proximity to neighbours and the distances between dwellings are all the more sensitive. In respect of the scheme before me therefore I find that there would be an unacceptable impact upon the living conditions of neighbours as a result of the design, dominance and ability for harmful overlooking of neighbours.
11. In light of this I consider that the scheme would represent an overdevelopment of this site that would fail to integrate well into the local area and that would cause harm to the living conditions of neighbours. As such I consider that the proposal before me would be in conflict with Policy CS12 of the Dacorum Core Strategy (2013) as well as the aspirations for good design as contained within the National Planning Policy Framework.

### **Other Matters**

12. The appellant has directed my attention to other examples nearby where such extensions have been allowed in the past. I have however no information before me as to the precise reasons or background to these

developments or the precise situations that gave rise to them. As such I cannot be certain that the circumstances are the same as the case before me and as such I can give these other examples only very limited weight.

13. In terms of scale and materials, I was also directed towards new development in the nearby town centre that consisted of large buildings with different cladding materials. Although I note the presence of these structures they represent a character of development that is noticeably different to that of Cotterells itself. As such their existence cannot be used to justify such designs within what a much more small scale and traditional part of the town.

### **Conclusion**

14. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

*A Graham*

INSPECTOR