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## Appeal Decision

Site visit made on 12 January 2024

**by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI**

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

**Decision date: 16 February 2024**

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**Appeal Ref: APP/A1910/W/23/3325248**

**Hemel Barber Shop, 6 Lawn Lane, Hemel Hempstead, Hertfordshire, HP3 9HH**

- 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 Mrs Nazlije Sadiku against the decision of Dacorum Borough Council.
  - The application Ref 23/00046/FUL dated 5 January 2023, was refused by notice dated 1 March 2023.
  - The development proposed is a single storey rear extension to barber shop, loft conversion to staff flat, removal of existing pitched roof and replacement with a flat roof.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The revised National Planning Policy Framework ('the Framework') was published on 19 December 2023. Having reviewed this document, I am satisfied that the policy applicable to the scheme before me remains unchanged from the previous Framework documents published in 2021<sup>1</sup> and 2023<sup>2</sup>. As a consequence, I did not consider there to be a need to reconsult the parties and have determined the appeal in light of the new Framework document, which is a material consideration that should be taken into account.

### Main issue

3. The main issue is the effect of the development on the character and appearance of the existing building and wider area.

### Reasons

#### *Appeal site context*

4. The appeal site contains a mature 2-storey building containing a hair salon at ground floor level with residential flat above. It forms part of a larger terraced block with a mixture of ground floor retail uses and falls within the Corner Hall Employment Area. The wider locale is characterised by residential, retail and commercial buildings of varying architectural styles, maturity, scale and height.

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<sup>1</sup> National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

<sup>2</sup> National Planning Policy Framework, Department for Levelling Up, Housing & Communities, 5 September 2023.

### *Character and appearance*

5. The scheme would introduce two prominent flat roofs at first and second floor level, which would be incongruous with the traditional pitched roof of the existing building and wider terrace. This harm would be compounded by the construction of a disproportionately large and bulky box dormer window in the main roof that would give the building an unattractive top heavy appearance. As a consequence, the development would dominate the rear of the terrace block and disrupt its simple roof form.
6. Whilst I recognise that the scheme would not be seen from Lawn Lane because of its position to the rear of the building, it would nonetheless be visible from the busy Two Waters Road and the River Gade footpath/adjacent parkland, which would intensify the harmful impact described above.
7. Although the appellant states that the appeal site is not within a conservation area and that the locale has a degraded, functional character, this does not remove the need for development to be of a high quality design or justify the harm identified.
8. In view of the above, I conclude that the development would be harmful to the character and appearance of the existing building and wider area. The proposal would therefore conflict with Policy CS12 of the Core Strategy<sup>3</sup>, which seeks, amongst other things, to ensure that development; - (a) integrates with the streetscape character; and (b) respects adjoining properties in terms of scale and bulk.
9. I also conclude that the scheme conflicts with Paragraphs 131 and 135 of the Framework, which collectively seek, amongst other things: (a) the creation of high quality, beautiful buildings; (b) development that is visually attractive as a result of good architecture; and (c) development that is sympathetic to local character. In reaching a decision, I have also given significant weight to Paragraph 139 which states that development which is not well-designed should be refused.
10. Despite the Council having referred to Appendix 7 of the Local Plan<sup>4</sup> in its reason for refusal, this is not applicable to the proposal as it relates to small scale house extensions, whereas the appeal building consists of a retail unit with residential flat above.

### *Planning balance*

11. Whilst I agree with the appellant that the development would result in an efficient and effective use of land, it would not maintain the area's character and neither would it safeguard and improve the environment for the reasons stated. As a consequence, the development would not accord with Paragraphs 123 and 128 of the Framework.
12. The scheme would also conflict with policy relating to upward extensions in Paragraph 124(e) of the Framework inasmuch as it would not be well-designed and consistent with the prevailing form of neighbouring properties.
13. The appellant states that the Council has not placed significant weight on the need to support economic growth and productivity, taking into account local

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<sup>3</sup> Core Strategy 2006-2031, adopted 25 September 2013, Dacorum Borough Council.

<sup>4</sup> Dacorum Borough Local Plan 1991-2011, adopted 21 April 2004

business needs, as outlined in Paragraph 85 of the Framework. However, the ground floor salon extension is not dependent on the increase in residential accommodation and there is no evidence before me that the Council would resist a new application for this element of the scheme.

14. I recognise that the principle of development is acceptable and that the scheme would result in benefits from;- (a) additional residential accommodation; (b) improved staff facilities; (c) additional commercial floorspace; and (d) local employment during construction. However, it is my view that the adverse impacts of the scheme would outweigh these benefits, when assessed against the policies in the development plan and other material considerations.
15. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

### **Conclusion**

16. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

*Robert Fallon*

INSPECTOR