



Appeal Decision

Site visit made on 27 July 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2024

Appeal Ref: APP/A1910/D/24/3343948

40 Kings Road, Berkhamsted, Hertfordshire HP4 3BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Walters against the decision of Dacorum Borough Council.
 - The application Ref is 23/02299/FHA.
 - The development proposed is demolition of existing detached garage, single storey side extension and two storey front extension and erection of part single/part two storey front/side extension, raising of ridge height to facilitate conversion of roof space with associated rear dormer window, alterations to fenestration, erection of new garage/carport, alterations to driveway and landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of i) the height of the proposed extension and ii) the size and location of the proposed garage/carport (carport), on the character and appearance of the host property and the surrounding area, iii) their effects, if any, on the setting of the Berkhamsted Conservation Area (the Conservation Area), which is a designated heritage asset, and iv) the effect of the proposed carport on a beech tree within the appeal site.

Reasons

3. The appeal property (No 40) is a large, detached house on the south side of Kings Road. The boundary of the Conservation Area runs to the front of the appeal site and includes the road and the houses opposite the appeal site. The appeal site is therefore part of the Conservation Area's setting.
4. Kings Road has a considerable downward gradient from south to north and the appeal site also slopes down steeply towards the road. A small garage and driveway have been excavated into the slope of the front garden. A mature purple beech tree stands towards the top of a bank at the front of the appeal site. Its canopy extends over a large part of the front garden and the adjacent road. Due to its size and location, the beech tree is visible from some distance and is prominent in an area which can be characterised as containing many significant trees and other frontage landscaping. Although it is not protected, the beech tree makes a substantial contribution to the character and

- appearance of the street scene and the wider locality and to the setting of the Conservation Area.
5. There is no objection in principle to a remodelling of No 40. As the house is of no particular architectural quality or historic interest, there are no reasons to disagree. The Council's concerns relate to the roof element of the proposal and the resulting height of the extended house.
 6. There is variation in the heights and design of houses in the vicinity of the appeal site which are also set back from the roadside. The complex topography of the area affects the interrelationships of its buildings. To the one side of No 40 is a bungalow, with an access road separating them. The appeal property stands further back in its plot than its neighbours. No 40 is already significantly taller than the bungalow and would remain so. Together, the combination of the topography, the siting of the buildings and the distance between the bungalow and No 40 lead me to conclude that the proposed increase in roof height would not have a measurable effect on the relationship between the two properties. Nor has it been demonstrated that the height of the extended property would appear dominant or otherwise visually harmful in its context where variations in roof heights are emphasised by the topographical changes. I am not convinced by the evidence that, in this location, the staggered roof formation along the road is a distinctive characteristic which is important to the setting of the Conservation Area.
 7. Within its context and having regard to the degree of separation between No 40 and its nearest neighbours, I am satisfied that the scale, design and increased roof height of the proposed development would respect the character and appearance of the street scene. For the same reasons and due to the set-back and higher level of the house compared to the road, I am satisfied that the proposed extensions to the host property would preserve the setting of the Conservation Area.
 8. Turning to the proposed 3-bay garage/carport, it would be located towards the front of No 40's garden, beneath the extensive canopy of the beech tree. Due to the varied ground levels at the front of the property, the area contains a number of retaining walls and levelled ground, some of which appears to be used for parking.
 9. The ground levels and some limited screening from the raised garden bed at the front of the property would, to a degree, minimise views of the carport. However, overall, it would appear as a very wide, tall and prominent structure. The size and the materials used in the heavy, hipped roof would emphasise its visually unacceptable mass. I consider that the positioning, scale and design of the carport would result in an incongruous forward structure in the street scene. Due to its overall scale and closeness to the beech tree's trunk and its proximity to the road, the carport would visually compete with views of the tree and the wider landscaping of the area, thereby harming one of its most important characteristics. For the same reasons, the carport would cause less than substantial harm to the setting of the Conservation Area.
 10. Fencing or hedging could well be provided in a number of positions on the frontage under 'permitted development' rights and might screen the carport from the road as the appellants suggest. However, having regard to the steeply rising garden I am not convinced by this argument or that it is a credible

proposition. But in any event, potential screening does not justify allowing harmful development.

11. Other garages in the locality which are forward of the host property, including 35 Kings Rd opposite, were referred to by the appellant and have been considered. However, I found that their size, design, location on the site and proximity to the road were significantly different to the car port in the appeal before me which has been determined on the basis of its own individual circumstances and context. Furthermore, the frontage development in the locality is not, in my view, a positive characteristic and its presence does not justify unacceptable new development.
12. National and local policies require existing trees to be retained, and protected during construction, even if they are not protected by a Tree Preservation Order. As I have already concluded that the proposed carport would be harmful, there is no need to further consider its effect on the beech tree. However, new evidence submitted with the appeal seeks to demonstrate that the proposed carport could be constructed without harm to the health and visual amenity of the tree and that it could be conserved and protected during development. Nonetheless, in this 'fast track' householder appeal, I am required to determine the appeal based upon on the same information as that considered by the Council. I agree with the Council that in the circumstances of this appeal, the use of a condition to require the necessary further information would not have been appropriate.
13. No public benefits have been put forward which would outweigh the identified less than substantial harm to the setting of the Conservation Area arising from the carport element of the appeal proposal.
14. For the foregoing reasons and based upon the information provided with the appealed planning application, I conclude that the carport element of the proposed development would be contrary to Core Strategy Policies CS11, CS12, CS25 and CS27; Saved Appendix 3 and Saved Policies 99 and 120 of the Dacorum Local Plan (2004) and the objectives of the National Planning Policy Framework. The proposed alterations to the house would comply with the objectives of securing high-quality design and the conservation of the historic environment as set out in the same policies, with the exception of saved LP Policy 99, which relates specifically to trees and other landscaping.
15. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Elaine Benson

INSPECTOR