

Appeal Decision

Site visit made on 4 September 2024

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/A1910/W/24/3343938

77 Gravel Lane, Hemel Hempstead, Hertfordshire HP1 1SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Isabel Emerson-Lich against the decision of Dacorum Borough Council.
 - The application Ref 24/00597/FHA was approved on 2 May 2024 and planning permission was granted subject to conditions.
 - The development permitted is garage conversion to office space, pitched roof over front reception, front porch and part render of external walls.
 - The condition in dispute is No 4 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification), no render, other than that approved by this application and shown on drawing nos. 100/010 (Rev - 1), 100/012 shall be applied to the external walls of the dwelling.
 - The reason given for the condition is: To ensure that the character of the street scene is not adversely affected by the application of render over and above that deemed acceptable, in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).
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Decision

1. The appeal is allowed and the planning permission Ref 24/00597/FHA for garage conversion to office space, pitched roof over front reception, Front porch and part render of external walls at 77 Gravel Lane, Hemel Hempstead, HP1 1SB granted on 2 May 2024 by Dacorum Borough Council, is varied by deleting condition 4.

Preliminary Matters

2. The appeal form indicates this appeal follows on from an application to remove or vary conditions. However, the application was for a householder planning application and this is also the form of the Council's decision notice. The appeal is therefore against a condition imposed on a planning permission and I have considered it on this basis.

Background and Main Issue

3. While the planning application was under consideration by the Council, amended plans were submitted which removed render from the first floor of the front elevation of the property. The Council then removed permitted development rights for the installation of render at first floor level when granting the permission. This appeal seeks to remove this condition.
4. The main issue is therefore whether the condition is reasonable or necessary in the interests of the character and appearance of the area.

Reasons

5. The appeal site lies within a residential area. Gravel Lane itself is comprised of modern, predominantly brick finished dwellings with similar design features linking the appearance of the properties. In proximity to the appeal site, the dwellings on the same side of the street as the appeal site are generally finished in buff brick, while those opposite are finished in a more red-toned brick. Window frames are found in a range of shades, and many dwellings have prominent double garage doors with a colour finish, often matching that of the window frames.
6. The appeal site lies adjacent to a bend on an incline. Some of the surrounding properties have mature landscaping within their gardens which serves to soften the appearance of the built form and limit long views of the properties. There is not a regular pattern of development relative to the highway, meaning the appeal property is not prominent in the street scene despite its position forward of its immediate neighbour.
7. The garage conversion appears to have been carried out and the front ground floor elevation of the appeal property has been partially rendered. Given its light colour against the buff bricks, the application of the render has not made the dwelling appear any more prominent in the street scene. Nor does the appeal property appear unduly incongruous or harmful to the character and appearance of the area. The effect of allowing further render to be applied to this property would have a purely localised effect and would have a neutral effect on the character and appearance of the area.
8. The wider area is residential however even within a short distance of the appeal site, a broad range of dwelling styles and materials are readily apparent. Decisions taken elsewhere, even a short distance from the site, would not alter my assessment of this proposal.
9. Accordingly, I find that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the area.

Other Matters

10. The Council consider the proposal met the tests set out in the National Planning Policy Framework for the imposition of conditions. I do not dispute this, however I have reached a different conclusion as a matter of planning judgement as to the reasonableness and necessity of the condition. The original application was amended while it was under consideration by the Council. However, this does not remove the ability of the appellant to appeal the imposition of the condition.

11. Both parties have referred to the potential for render to improve the energy efficiency of the dwelling. However, the condition was imposed in the interests of the character and appearance of the area. As I have found the condition is not reasonable or necessary for that purpose, there is no need for me to consider any potential energy efficiency benefits further.

Conclusion

12. For the reasons given above, I conclude that the appeal should succeed. The planning permission should be varied by deleting the disputed condition.

Jennifer Wallace

INSPECTOR