

Appeal Decision

Site visit made on 4 September 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/A1910/D/24/3344620

31 Cemetery Hill, Hemel Hempstead, Hertfordshire HP1 1JF

- 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 Gary and Aimee Restall against the decision of Dacorum Borough Council.
 - The application Ref is 24/00665/FHA.
 - The development proposed is a single storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The delegated report is contradictory on whether the proposal conflicts with the development plan and causes harm, and recommends approval whilst providing reasons for refusal. Ultimately, the Council has issued a decision notice containing a reasoned refusal, against which the appeal was made. I have taken the decision notice as presenting the Council's position, therefore.

Main Issues

3. The main issues are the effect of the proposed development on;
 - the character and appearance of the appeal site and local area, and;
 - the living conditions of the occupants of 29 Cemetery Hill (No29) with particular reference to light and outlook.

Reasons

Character and appearance

4. The appeal site sits at the top end of a steeply sloping residential street. The appeal property is a semi-detached house with a gable end and a prominent frontwards projection incorporating a 'catslide' roof. It has a strong degree of symmetry to its attached neighbour, 33 Cemetery Hill (No33) emphasized by a continuous roof slope across the two. This symmetry provides both semis with visual balance and a sense of architectural completeness.

5. The appeal property is one of a row of six of the same design. They have a strong degree of uniformity and are unlike any others nearby; this binds them together as a distinct group. The rest of the street is characterised by equally distinct groups of buildings, identifiably the result of separate developments over time. Each is quite different visually to the others, but most display strong levels of uniformity within their group. As a result, whilst the street has a mix of building types it nevertheless has a coherent character, derived from the uniformity within groups of buildings, each resulting from different phases of its development.
6. The appeal scheme includes a recess into the existing catslide roof, allowing a larger window. A front extension is also proposed. The window recess would be a sufficiently modest alteration to the form and extent of the existing roof as not to harm the character and appearance of the appeal property. However, in extending the existing 'catslide' roof and front projection to the side, the appeal proposal would erode the symmetry between the appeal property and No33, significantly injuring the current visual balance. Its height and width would combine with its location at the front of the property to make it highly prominent in the street. This in turn would harmfully undermine the uniformity and cohesion of the group of six homes the appeal property is part of and, by extension, weaken the contribution the group makes to the street.
7. I have been provided with Saved Appendix 7 of the Dacorum Borough Local Plan (2004) (the Local Plan) although what policies it was appended to and the status it should have in isolation have not been made clear. Nevertheless, the proposal adheres to the Appendix by matching the existing roofline, not going beyond the existing outermost front and side walls of the appeal property, using materials and detailing to match the existing, and leaving enough space to the front and side to avoid a terracing effect. However, the Appendix also requires that "if a row of houses of uniform design and building line forms an attractive group in the street scene, then extensions should not detract from this group effect". That accords with my finding in the preceding paragraph, a view that I would have arrived at on the facts, regardless of Appendix 7.
8. I appreciate that permission has been granted at appeal¹ for a scheme including the same recessed window detail as in the appeal proposal, as well as a smaller front extension. As such, a reduction in the degree of symmetry between the appeal property and No33 has already been found acceptable. Nevertheless, and whilst I have found the window recess acceptable, the approved extension is smaller, shorter, and more subservient to the existing appeal property than the extension contained in the appeal proposal. As such, it would not fundamentally undermine the symmetry between the appeal property and No33, or the uniformity of the row of six houses, in the way the appeal proposal would. The last appeal decision does not justify the current proposals, therefore.

¹ APP/A1910/D/23/3319252

9. For the reasons set out above, the proposal would harm the character and appearance of the appeal site and local area and, as such, it conflicts with Policies CS11 and CS12 of the Core Strategy (2013) where they require development to enhance general character and integrate with the streetscape.
10. Whilst the decision notice does not refer to Appendix 7, both parties have cited it in their submissions. As set out above, the proposal would conflict with the requirements of Saved Appendix 7 of the Dacorum Borough Local Plan (2004).

Living conditions

11. In relation to the proposed extension, the nearest window is in the ground floor, front elevation at No29 (the window). It serves a habitable room, and the proposed extension would infringe upon a 45-degree angle line taken from it. The window is already prevented from receiving direct sunlight by a combination of its north-facing aspect and the front projection at No29, but it nevertheless benefits from diffuse natural light. It is the only source of natural light to the room it serves.
12. The appeal proposal would introduce built development which, at its tallest, meets the eaves of the main roof of the appeal property and, at its furthest, meets the frontmost wall. Though the extension would reduce downwards towards the front, it would be a substantial addition which, due to its height and proximity to the boundary, would harmfully reduce the amount of diffuse light to the window at No29.
13. The outlook to the northwest from the window at No29 currently includes views of the sky and the far side of the street, obtained in part over the existing catslide roof of the appeal property. This is particularly important to amenity levels in No29 as the front projection of that property severely hinders eastward outlook. Through its height and proximity to the boundary, the appeal proposal would severely impinge upon north-westerly outlook, and create a pronounced sense of enclosure for No29. This would be exacerbated by the appeal property occupying higher ground.
14. The proposed extension would be substantially taller than the existing boundary fence between the appeal site and No29 and, as such, introduce substantial reductions in light and outlook over and above any associated with the fence.
15. For the reasons set out above, the proposal would harm the living conditions of the occupants of No29 with particular reference to light and outlook. As such, it conflicts with Policy CS12 of the Core Strategy (2013) which requires development to avoid visual intrusion and loss of daylight to surrounding properties.

Other Matters

16. I note the appellant's frustration that discussions over alternative designs were not pursued. That is not a matter for me to consider and I have assessed the appeal scheme on its merits.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should be dismissed.

A Knight

INSPECTOR