



Appeal Decision

Site visit made on 28 January 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/A1910/W/24/3348159

35 Belswains Lane, Hemel Hempstead, Hertfordshire HP3 9PW

- 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 Gill-Hudson Homes against the decision of Dacorum Borough Council.
 - The application Ref is 24/00554/FUL.
 - The development proposed is two new detached two-storey four-bedroom homes with private gardens, cycle stores, bin stores, associated garaging and parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2024. As this could affect the issues and matters in this case, the Council and the appellant were invited to make further comments, but none were received. My decision reflects the latest version of the Framework.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 33a Belswains Lane and 57 Newell Road, with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site lies in a predominantly residential area, comprising land to the side and rear of an existing house at 35 Belswains Lane (No 35) which slopes up from the road. There are various dwelling types and styles in the area, but this part of the lane is characterised by largely two storey buildings facing the road which follow a similar building line, giving coherence to this part of the streetscape.
5. The appeal scheme includes a pair of detached two storey dwellings located to the rear of No 35, accessed from Belswains Lane. The new houses would be within an urban area surrounded by other residential properties. However, due to their position behind the row of dwellings fronting the street, the proposal would harmfully disrupt the visual consistency of the building line along this part of the lane. Although the development would be set back from the street, as there is a

spacious gap to the side of No 35, it would be particularly discordant in views from the road.

6. The density would be below the range which generally prevails in the Belswains Character Area, with internal spaces only slightly exceeding national standards. Nevertheless, due to the small gap between the proposed dwellings, their substantial depth and two storey height, the scheme would appear as a cramped and bulky form of development, sitting higher than the existing property at No 35 and incongruous in views from Belswains Lane and adjacent properties.
7. To minimise overlooking of neighbouring dwellings and gardens, the forward projections of the proposed houses would not have first floor front windows. The blank upper level frontage on the projections and the absence of symmetry for the proposed front openings would result in buildings which lack a cohesive appearance, at odds with the design of other dwellings in the locality.
8. There is reference to the Council's recent approval of a development at 143 Belswains Lane¹. However, this is in an area with a different character, involves the demolition of an existing dwelling and would result in buildings fronting another road. There have been other residential developments to the rear of existing houses in the vicinity, but these are accessed from side roads and have a comparatively limited effect on the Belswains Lane street scene. As such, these other schemes are not comparable to the appeal proposal.
9. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013 (CS) and saved Appendix 3 of the Dacorum Borough Local Plan 2004 (LP). Together, these require development to integrate with the streetscape character and respect adjoining properties, including in relation to layout, scale, height and bulk.

Living conditions

10. The appeal site abuts properties at 57 Newell Road (No 57) and 33a Belswains Lane (No 33a). The house at No 57 lies at an approximate 45-degree angle to the site with ground floor kitchen and living room windows and upper level dormer windows facing towards it. No 33a has patio doors facing its outdoor space, and both neighbouring properties have modest sized rear gardens adjoining the site.
11. The proposed two storey houses would be over 12.5m deep, including a projection providing two levels of accommodation at the front. The large flank walls of proposed house A would be parallel to the mutual boundary with No 57, only a small distance from it. Due to the height and depth of this proposed dwelling and its proximity to the rear garden and habitable room windows at No 57, the appeal scheme would have an unacceptably overbearing impact on the occupants of this property when using their rear outdoor space and rooms.
12. Information showing overshadowing from the proposed houses at different times of the day in March, June and September has been submitted. This indicates that there would be loss of sunlight to much of the rear garden at No 57 during spring and autumn mornings. As this outdoor area already experiences significant overshadowing in late afternoons at these times of the year, the additional loss of

¹ Planning application ref: 20/00098/FUL

morning sunlight would harm the living conditions of the occupiers at No 57 when using their rear garden.

13. There is little evidence to indicate the potential impact of proposed dwelling A on daylight to rear habitable rooms at No 57. Given the scale of the proposed building and its proximity to this house, without this information I cannot be satisfied that the appeal scheme would not cause undue loss of daylight to rear rooms in this neighbouring building.
14. A pitched roof garage would be sited in front of proposed house A, close to the rear outdoor space and patio doors at No 33a. There is little information before me outlining the impact of proposed garage A on the sunlight and daylight to the rear room and small garden at this adjacent property. In the absence of this, I cannot be certain that the proposal would not cause a harmful loss of light to the occupiers of No 33a when using their rear amenity space and ground floor room.
15. The Council and the appellant do not dispute that the proposed scheme would not adversely affect the living conditions of occupiers at 35 Belswains Lane or cause an unacceptable loss of privacy to neighbouring residents. However, this would not overcome the harmful impacts on the occupiers of Nos 33a and 57 in terms of outlook and light.
16. Therefore, I conclude that the proposed development would harm the living conditions of the occupiers of 57 Newell Road, with particular regard to outlook and sunlight. Further, there has been a failure to demonstrate that the proposal would not cause harmful loss of daylight to the occupiers of 57 Newell Road or harmful loss of sunlight or daylight to the occupiers of No 33a Belswains Lane. This would conflict with Policy CS12 of the CS where it requires development to avoid visual intrusion and loss of sunlight and daylight to surrounding properties.

Other Matters

17. The Council did not find harm or development plan conflict in relation to several other matters, including internal and external spaces, parking, energy and water efficiency, carbon emissions, flood risk, waste storage, landscaping and noise. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.
18. The proposal would be likely to have a significant effect, either alone or in combination, on the Chilterns Beechwoods Special Area of Conservation due to its location within the 12.6km recreational zone of influence. However, notwithstanding the contributions towards mitigation measures contained in the unilateral undertaking, given my conclusion below there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.
19. Though not included as a reason for refusal, the Council is concerned about light and outlook for future residents due to the proposed use of obscure glazed windows in the master bedrooms. Whilst the rooflights and windows would ensure sufficient light to these rooms, I sympathise with the Council's position in relation to outlook. The Council also states that without conclusive comments from the highway authority, no assumption should be made about the acceptability of the

proposal in terms of highway safety. However, in light of my conclusion below, there is no need to consider these matters.

Planning Balance and Conclusion

20. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the Framework. Applying a 5% buffer, the Council's Housing Delivery Test Action Plan 2021 indicates a 3.2 year supply to 2025, but subsequent HDT results mean that a 20% buffer needs to be applied. As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
21. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.
22. The proposal would make a modest contribution of two family sized homes to the supply of housing, making better use of urban land within defined settlement limits on a site with access to services and public transport. It would contribute towards Dacorum's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.
23. In contrast, the proposal would harm the character and appearance of the area and the living conditions for existing occupiers. I have concluded that the proposed development would conflict with Policies CS11 and CS12 of the CS and saved Appendix 3 of the LP. These matters combined carry significant weight against the scheme.
24. There is reference to an appeal decision² for a proposal in Ilford. In that case, the Inspector found that the provision of an additional dwelling would be significant in a borough which was failing to deliver sufficient housing, and the adverse impacts would not significantly and demonstrably outweigh this benefit when assessed against the Framework's policies taken as a whole.
25. However, in this instance, the adverse impacts I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.
26. For the reasons above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR

² APP/W5780/W/21/3266612