



Appeal Decision

site visit held on Tuesday 26 October 1999

by **John Sheppard** BSc(Est Man) MPhil FRSA FRICS
FRITPI
An Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate 11 Collyer Quay, London EC6A 3RF Tel: 0117 927 8927									
PLANNING DEPARTMENT					DACORUM BOROUGH COUNCIL				
DoP	ED	DP	DC	ES	SS	CS	OS	AS	AS
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Received 23 NOV 1999									
Comments									
					22 NOV 1999				

Appeal : T/APP/A1910/A/99/1026593/P4

- 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 brought by Mr M K West against Dacorum Borough Council.
- The site is located at No 4 Barnsway, Kings Langley.
- The application (ref: 4/00007/99/FHA), dated 2 January 1999, was refused on 22 April 1999.
- The development proposed is one and two storey extensions and a front porch.

Decision: The appeal is allowed and planning permission granted for one and two storey extensions to No 4 Barnsway, Kings Langley, in accordance with the terms of the application [No: 4/00007/99/FHA] dated 2 January 1999, and the plans submitted therewith, subject to the following conditions:

- (i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- (ii) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match in size, colour and texture those used on the existing building.

Background

1. Permission was granted for the development of Barnsway in 1983. The present proposal is for a number of extensions to No 4. The main elements are a first floor extension on the side and rear, mainly over the existing garage. This would provide two bedrooms and a bathroom. On the ground floor there would be a rear extension to the kitchen and breakfast room, projecting some 1.55m into the garden, and a new dining room, projecting some 4.00m into the garden. A porch would be added to the front of the house, alongside the existing study. Planning permission was granted in 1995 for a two storey side extension and a single storey rear extension.

The main issues

2. From all that I have seen and read I consider that the main issues are the effects of the proposal on the character and appearance of the area, and on the amenities of adjoining occupiers.

Inspector's reasons

3. Although the houses in Barnsway are similar in their architectural character, a careful variation of the basic elements of their design together with the use of an irregular building line gives the overall result considerable attraction. I share the Council's view as to the importance of preserving this, and note that Policy 8 of the adopted Dacorum Borough Local Plan requires a high standard in all development proposals.
4. The present proposals would appear to be designed with some care to complement the existing building and its surroundings. The materials and design reflect those of the existing

building, and the former could be ensured by means of a condition. I note the concern of the occupants of No 3 Barnsway over the reduction in the gap between the two houses and in particular the reduction in the view of a hedge and oak tree beyond the rear gardens. However I do not regard this gap as being of any material visual importance bearing in mind the variation in design and location of the buildings. Much more important are the contrast between the buildings around the cul-de-sac and the tall trees glimpsed above and behind them, and the retention of the complex variety of roof heights and pitches. Both would be preserved and the latter would indeed be increased. I note that the Council's concern is with the additional bulk over and above what has already been permitted, but as this would be at the rear of the house I regard it as having negligible importance in terms of the appearance of the area as a whole. Even when all of the present proposals are taken into account I regard them as satisfying the requirements of Policy 8 of the Local Plan.

5. Although not a matter of concern expressed by the Council, the occupiers of No 3 Barnsway draw attention to the possible effects on their home. They believe that the proposals would reduce light to their front garden and to the front windows. Whilst I can understand this concern, I note that permission has already been granted for the parts which might have these effects, so that to refuse permission for the present scheme would not necessarily prevent any perceived harmful effects from its implementation. However even if this were not the case I do not regard the scheme as being likely to have any unacceptable effects. The proposed first floor extension above the garage would be set back behind the existing main front wall of the house so that a 45° angle of light would be maintained to the front windows of No 3. The front garden of No 3 already contains a single storey study in front of the house with garaging in front of that, thus producing a long continuous wall along most of the southern side of the front garden. Any sense of enclosure in that garden is unlikely to be materially altered for the worse by the present proposals. At the rear the new dining room would extend only some 0.5m beyond the rear of No 3, which would have minimal effect on the latter bearing in mind existing fences and vegetation.
6. I note that the Green Belt boundary runs along the rear garden fence to the appeal site. I can however see no relevance in this, as the site itself is not within the Green Belt and is thus not subject to the normal restrictions on development in the Green Belt, and the proposed extensions would be barely visible from the Green Belt. A large new swimming pool and sports building are to be erected in the Green Belt just beyond the appeal site which will be likely to have much greater effects on the openness of this area.
7. The appellant draws attention to extensions elsewhere in Kings Langley. I have seen them but I consider that the individual circumstances and effects of any such proposal must be assessed. I therefore do not regard them as being a precedent for the present proposals, nor are the latter to be regarded as a precedent for extensions elsewhere, including Barnsway.

Conclusions

8. For the above reasons and in exercise of the powers transferred to me I shall therefore allow this appeal, subject to a condition to ensure that the materials match those of the existing building.

Informative

9. This letter does not convey any approval or consent which may be required under any enactment, by-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

John Skye



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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00007/99/FHA

4 BARNSWAY, KINGS LANGLEY, HERTFORDSHIRE, WD4 9PW
TWO AND SINGLE STOREY EXTENSIONS AND FRONT PORCH

Your application for full planning permission (householder) dated 02 January 1999 and received on 05 January 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 22 April 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00007/99/FHA

Date of Decision: 22 April 1999

- 1. The bulk of the proposed development will severely harm the environment and enjoyment of the local amenity.**