

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0218/92

Mr & Mrs Lightfoot
23 Hall Park Gate
Berkhamsted
Herts

Mr N.A. Johnson
37 Storey Street
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
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23 Hall Park Gate, Berkhamsted,

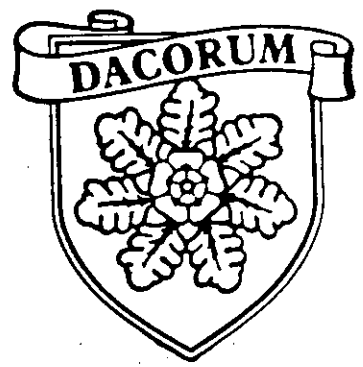
RAISING OF ROOF HEIGHT AND SECOND FLOOR EXTENSION

Your application for *full planning permission (householder)* dated 24.02.1992 and received on 26.02.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 27.03.1992

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0218/92

Date of Decision: 27.03.1992

The proposal due to its bulk, mass and height would affect adversely the visual and general amenities and detract from the character of the area.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

B/900X/KJ/P

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DEPARTMENT OF THE ENVIRONMENT PLANNING HIGH COUNCIL	
N A Johnson Esq 37 Storey Street HEMEL HEMPSTEAD Hertfordshire HP3 9SG	Your Ref: Our Ref: T/APP/A1910/A/92/204838/P4
Received 24 AUG 1992	Date: 20 AUG 92
Comments	

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR LIGHTFOOT
APPLICATION NO: 4/0218/92

- As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for raising the roof height and erecting a second floor rear extension at No 23 Hall Park Gate, Berkhamstead, Hertfordshire. I have considered the written representations made by you and by the Council, and also those made by other interested persons. I inspected the site on 6 July 1992.
- From the written representations and my inspection of the appeal property and its surroundings, I have formed the view that the decision in this case will turn on whether the proposed extension would detract to an unacceptable extent from the character and appearance of the area.
- The area around the appeal property derives its character, I consider, from the substantial nature of the houses, which are large detached 1950s properties set in good sized plots, and from the neat suburban appearance of the tree-lined streets. Hall Park Gate rises quite steeply from London Road at its northern end, to Upper Hall Park; No 23 lies on its eastern side and towards its southern end.
- The Council consider that because of its bulk, mass and height, the proposed extension would detract from this character and appearance, which policies in both the approved structure and the emerging local plan are designed to protect. Having seen the situation for myself, however, I disagree: although the roofline of the extension would project 1.5 m above the existing roofline, this would not, I believe, be of any detriment to the area. The appeal property is of a T-shaped construction, with the ridge of its front elevation at right angles to the road, and the ridge of its major part -

which is the part that would be raised - parallel to the road. The slope of the street would however cause the new ridgeline still to be well below that of No 25, and for that reason I consider that it would not look out of place. Nor would the bulk and mass of the proposed extension make the appeal property appear out of character with its neighbours, as there are several other properties nearby which already have quite bulky extensions, for example No 32 which is almost directly opposite, and especially No 25 which has a 2 storey rear extension in close proximity to where this one would be built.

5. I also consider that this proposal would have very little effect on the nearby streetscene. When the appeal property is approached from the north, the dominant view is of its front, east-facing part, which would of course remain unaltered. The rear part of the property is well screened by both No 21 and a mature tree which stands on the footway verge approximately between the two. When viewed from the south, the positions of No 25 and another roadside tree mean that little of the appeal property is directly visible.

6. These considerations have led me to the conclusion that this proposal would neither detract from the character and appearance of the area, nor, despite the raising of the roof height, undermine the aims and objectives of the structure and local plan policies which seek to protect the local environment from visually intrusive development. In reaching this conclusion, I have also taken into account all other matters that have been raised in the written representations, including the comments of Berkhamstead Parish Council, but none is of sufficient weight to have any material effect upon my decision.

7. I now turn to consider the list of conditions suggested by the Council, to which you have raised no objections. I agree with the Council that preventing possible overlooking from the extension is important. Although there is at the moment substantial tree screening between the appeal property and No 25, this could be removed at some time in the future; conditions 3 and 4 in the suggested list are therefore necessary. I also agree that as within each of the houses in the locality only matching facing bricks have been used, the introduction of any other style into the appeal property would be visually unacceptable; suggested condition No 2 is also therefore necessary.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for raising the roof height and erecting a second floor rear extension at No 23 Hall Park Gate, Berkhamstead, Hertfordshire, in accordance with the terms of the application (No 4/0218/92) dated 24 February 1992 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. The external surfaces of the bricks used in the construction of the extension hereby permitted shall match in both colour and texture with the bricks in the existing building.

3. The bathroom window in the northern elevation of the extension hereby permitted shall be permanently fitted with obscure glazing.

4. Notwithstanding the provisions of the Town and Country Planning General Development Order (or any Order revoking and re-enacting that Order) no new openings in either the northern or southern elevations of the extension hereby permitted shall be created without the prior written consent of the local planning authority.

9. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

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

I am Sir
Your obedient Servant



KARL P MOXON BA(Hons) Solicitor & Notary Public
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MR LIGHTFOOT UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AGAINST THE DECISION OF DACORUM BOROUGH COUNCIL AS LOCAL PLANNING AUTHORITY TO REFUSE PLANNING PERMISSION FOR RAISING OF ROOF HEIGHT AND SECOND FLOOR EXTENSION AT 23 HALL PARK GATE, BERKHAMSTED, HERTFORDSHIRE

DACORUM BOROUGH COUNCIL : 4/0218/92
REFERENCE

DEPARTMENT OF THE ENVIRONMENT : APP/A1910/A/92/204838
REFERENCE

WRITTEN STATEMENT OF DACORUM BOROUGH COUNCIL

1. THE APPEAL

1.1 on 27 March 1992 this Council, as local planning authority refused planning permission for the raising of roof height and second floor extension at 23 Hall Park Gate, Berkhamsted for the following reason:

"The proposal due to its bulk, mass and height would affect adversely the visual and general amenities and detract from the character of the area".

2. SITE, LOCATION AND PROPOSALS

2.1 Hall park Gate is a steeply sloping road rising from the north at a junction with London Road, the A41 trunk road, to Upper Hall Park at the south. The application site comprises a detached dwellinghouse on the south east of Hall Park Gate. There is a fall in ground level northwards between numbers 25 and 23 (the application site) of approximately 2 m and 1.4 m between no. 23 and the south side of no. 21.

2.2 The proposal is to extend the ridge height of the roof to the rear section of the main part of the dwelling by 900 mm (2.9 ft) and to provide a new pitched roof over the existing flat roof rear extension (1500 mm above the original roof line). It is proposed to use the new roof space over the rear extension as an extra bedroom with en-suite bathroom, creating a five bedroom dwelling.

3. PLANNING POLICIES

3.1 The site is subject to policies within the Hertfordshire County Structure Plan 1986 review approved by the Secretary of State for the

Environment in May 1988. Extracts from the policy statement have been forwarded. The relevant policies are 47, 48 and 49.

- 3.2 The Dacorum District Plan is the adopted local plan covering the locality, extracts from the Local plan relating to this appeal have been forwarded. The plan is under review and a public local inquiry is currently being held into the Dacorum Borough Local Plan Deposit Draft, having been certified by the County Council on 5 June 1991 and been placed on deposit since 15 July 1991. As the plan emerges through the various stages of its formulation, it gains greater weight and importance. Its contents are now used as the Council's approved policy basis for development control purposes. In accordance with Circular 22/84 its policies and proposals are to be treated as material considerations in the determination of this appeal. The relevant policies have been forwarded.
- 3.3 The Dacorum Borough Local Plan Deposit Draft (DBLPDD) includes a section on Environmental Guidelines. part 10 deals specifically with small scale house extensions. (See Appendix A).

4. EXPLANATORY COMMENTS

- 4.1 There are no objections in principle to an extension to a dwellinghouse, providing it meets other criteria of the local plan. Policy 8 of the DBLPDD sets out the criteria against which all proposals for new development are judged.
- 4.2 In November 1991, the appellants submitted an application for raising roof to form second floor room (4/1496/91FH), identical to this appeal proposal. The proposal did not accord with policies and guidelines of the BLPDD. Policy 9 makes direct reference to the Environmental Guidelines. Part 10 of the Environmental Guidelines (Appendix A) states that in terms of scale, an extension "should not dominate the existing house or project above the roof line" and the roof form "should match the existing house in terms of design, angle of pitch and materials." With respect to the surrounding area, any extension "should maintain the common design characteristics of the row or street within which a house is located," and again particularly makes reference to the roof line.
- 4.3 The proposal as originally submitted, and indeed the appeal proposal, do not accord with the DBLPDD nor with policy 18 of the adopted District Plan. The proposals show the new roof raised to 1500 mm above the ridge of the original dwelling, presenting a large and bulky second floor extension, out of character with the general and visual amenities of the area.

- 4.4 Following discussions with the applicant concerning the original submissions, amended plans were received. The visual impact was significantly reduced with the overall height of the roof raised by 900 mm, and it maintained a continuous ridge line as the existing. Despite the increase in height and introduction of a second floor to part of the dwelling the overall height would not be at variance with the scale of surrounding development and it would not have a harmful effect on views, sky lines or the general visual character of the area. Planning permission was thus granted on 6 February 1992 for the amended scheme.
- 4.5 The applicants however, attempted once again to gain permission for their original proposals. Circumstances have not altered since February 1992, the proposals were thus refused and are the subject of this appeal.
- 4.6 Hall Park gate is characterised by individual detached dwellings on a steeply sloping road. The proposed extension would present a very bulky and unattractive feature that would be extremely visible and dominant on approach southwards. The new roof would break the existing ridge line which would be detrimental to the street scene and would adversely affect the visual amenities and character of the area.
- 4.7 Other aspects of the proposal which need to be taken into consideration are with respect to siting and positioning of windows. A new bathroom window in the north elevation is proposed, to which no objection is raised as any overlooking could be overcome by the use of obscure glazing. The proposed second floor bedroom window in the rear elevation could cause some overlooking to the rear garden of number 21. There are however two large windows and a balcony at first floor level and thus privacy in the rear garden is already affected. It seemed unreasonable to include this as a reason for refusal.
- 4.8 Notwithstanding the Council's objections to the proposal, should it be considered planning permission ought to be granted, the local planning authority would ask that the following conditions be imposed:
1. The development to which this permission relate shall be begun within a period of five years commencing on the date of this notice.
 2. The materials used externally shall match both in colour and texture those on the existing building of which this development shall form a part.

3. The new bathroom window on the northern elevation shall be permanently fitted with obscure glazing. [Reason To safeguard the privacy and amenity of the occupants of the adjacent property No. 21 Hall park Gate].
4. Notwithstanding the provision of the Town and Country Planning General Development Order 1988 (as amended), there shall be no new openings to the north and south elevations without the prior written permission of the local planning authority. [Reason To safeguard the privacy and amenity of the occupants of the adjacent properties].

6.92/APP/4/0218/92/FM/SR/PL.2

APPENDIX A

10. SMALL-SCALE HOUSE EXTENSIONS

This part of the Environmental Guidelines seeks to promote good design practice on house extensions to protect the environment and benefit the public at large.

Extensions should harmonise with the existing house and the surrounding area in the following respects:

(i) Existing House

The extension should harmonise with the original design and character of the house in terms of:

- (a) scale - it should not dominate the existing house or project above the roof line.
- (b) roof form - it should match the existing house in terms of design, angle of pitch and materials. Felt, plastic or asbestos sheeting should be avoided on pitched roofs. On flat roofs they can often be screened by parapet walls;
- (c) window design - it should match the existing windows in terms of size, proportions, divisions and materials. The same lintel and sill height should be used and windows should line up vertically and horizontally;
- (d) external finishes - should match as closely as possible in terms of type, colour and texture.

A reasonable private garden/amenity space should remain following the construction of the extension, and it should not bring the house unduly close to a wall of an adjoining dwelling.

(ii) Surrounding Area

Any extension should maintain the common design characteristics of the row or street within which a house is located, with particular regard to:

- (a) roof line - no extension should disrupt a clear consistent roof line and form;
- (b) building pattern - 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;
- (c) design details - where features such as windows, doors, roof and wall materials, bays, porches etc are of a consistent design, it is important for any extension or alteration to reflect the original character of a house; and this should not alter the character of an area by reducing the space about and between dwellings to give a cramped appearance.

(iii) Front Extensions

A front extension may be acceptable, if it is fairly small (eg a porch, bay window or small room extension) and does not project beyond the front wall of the dwelling in a way that dominates the street scene.

The following combinations of original house type and extension type will not normally be permitted:

- (a) two storey flat roofed extensions to the fronts of houses with pitched roofs;
- (b) single storey flat roofed extensions to the fronts of bungalows;
- (c) a mixture of flat and pitched roofs to single storey projections.

(iv) Side Extensions

Strict requirements will apply to prominent side extensions, but mainly to those parts that are clearly visible from the street.

If the extension is on or near a flank wall it should not extend for an excessive distance beyond the rear wall of the adjoining house.

Side extensions can often upset the balance of the front elevation of the house and therefore may need to be set back from the front wall.

A side extension should not block access to the rear of a property. A gap should be left between buildings and/or side boundaries (see under 3. Layout and Design of Residential Areas, (iii) Spacing of Dwellings). In many cases, this will be a minimum of 1 or 2 metres. However a greater distance will be required where it is necessary to maintain the spaciousness of a particular neighbourhood.

In cases where an existing single storey side extension goes to the boundary, it will not normally be acceptable to build over its full area. Some extension at first floor level may be feasible. This should be designed to avoid the creation of a terraced or semi-detached character and to respect the above space standards.

(v) Rear Extensions

Normally rear extensions are hidden from public view; the greatest visual impact is on the immediate neighbours. High design standards should still be applied but the Council's prime concern is with the safeguarding of amenities in the public interest.

The effect of an extension on neighbouring properties should be considered at the outset. The projection of rear extensions from the parent building should not excessively enclose or seriously affect the daylighting to an adjoining owner's habitable rooms (kitchen, lounge/dining room, bedroom). Such extensions should be avoided on a boundary wherever possible and should be of limited length.

The permissible outward projection of rear extensions will be assessed with regard to:

- (a) individual site factors such as orientation and levels;
- (b) the visual effect of the extension on the original building and the retention of space around it;
- (c) the following generally acceptable dimensions:
 - i for single storey extensions, up to 3 m on the party wall boundary between semi-detached or terraced housing;
 - ii for first floor or two storey extensions, up to the lines of 45° angles taken from the nearest windows of habitable rooms in the adjacent properties. In addition a 23 m distance should remain between the extension and nearest facing rear wall (as under 3. Layout and Design of Residential Areas, (iii) Spacing of Dwellings).

Some rear extensions, eg to corner properties or houses backing onto open space, are visually prominent and this will be taken into account in assessing their appearance.

(vi) Dormer Windows

Loft conversions resulting in the need for dormer windows can have a significant effect on the appearance of the house and the street scene. Dormers should preferably be located on rear roof slopes therefore, and the following guidelines should be followed:

- (a) the dormer window should not extend above the ridge of the existing roof, but should be brought as far as possible below the ridge;
- (b) the dormer margins should be set in a minimum of 1 m from the flank walls (including party wall with adjoining properties) and set in from the main rear wall;
- (c) the dormer should be clad in materials similar in appearance to the roof.

The need for and ability to provide additional off-street car parking should be taken into account when considering proposals for extra bedroom accommodation (see under 6. Parking Requirements).

Special requirements apply to development in Conservation Areas or affecting Listed Buildings (see under 13).