

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/0504/93

Mrs M R Riess  
Redmays  
Hudnall Common  
Little Gaddesden  
HERTS

Geoffrey V Bunyan  
Wellside, Newton Road  
Stoke Hammond  
Buckinghamshire  
MK17 9DE

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Redmays, Hudnall Common, Little Gaddesden

TWO STOREY SIDE AND REAR EXTENSION AND REAR PORCH

Your application for *full planning permission (householder)* dated 30.03.1993 and received on 05.04.1993 has been **GRANTED**, subject to any conditions set out on the attached sheet(s).

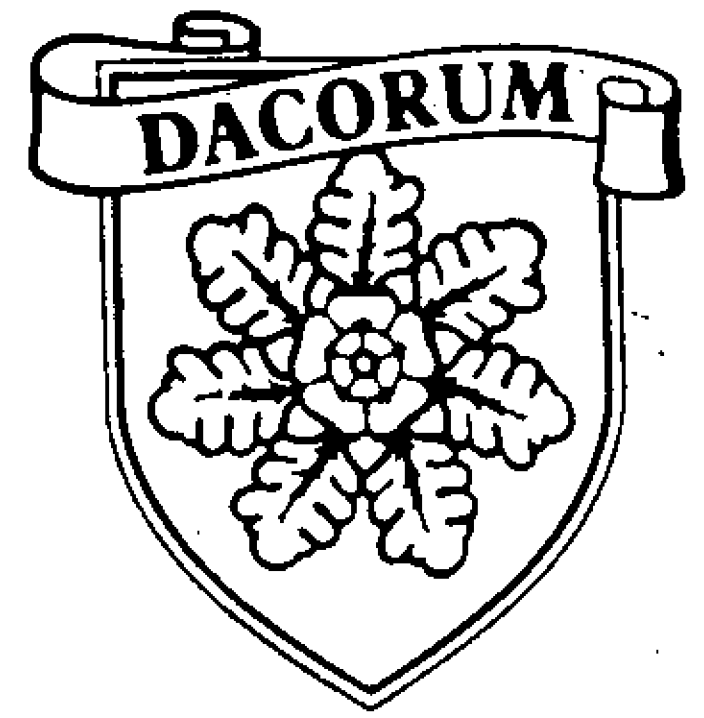
Director of Planning.

Date of Decision: 27.05.1993

(encs. - Conditions and Notes).

CONDITIONS APPLICABLE  
TO APPLICATION: 4/0504/93

Date of Decision: 27.05.1993



1. The development to which this permission relates shall be begun within a period of five years commencing on the date of this notice.

Reason: To comply with the provisions of s.91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be constructed in accordance with the materials shown on Dwg No. GBA0593.02 or such other materials as may be agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance.

3. The development hereby permitted, together with the remainder of the property of which it shall form a part shall be used only for domestic purposes as a single family dwelling.

Reason: To safeguard the residential amenity of the area.

1, DA 2, AM 3, CB



# The Planning Inspectorate

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

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Mr R T Ellis  
58 Granville Road  
Northchurch  
Berkamsted  
Herts HP4 3RN

PLANNING DEPARTMENT						
DACORUM BOROUGH COUNCIL						
Your Ref: 4/0505/93						
Our Ref: T/APP/A1910/A/93/230992/P7						
Ref.	POP	T.C.P.M.	D.P.	D.C.	B.C.	Admin.
Received 3 FEB 1994						
Date: -2 FEB 1994						
Comments						

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO: 4/0505/93/FH

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for a first floor rear extension at 58 Granville Road, Northchurch. I have considered the written representations made by you and by the Council and also those made by Northchurch Parish Council and by an interested person (your neighbour at No 60 Granville Road). I have also considered the representations of the Parish Council made directly to the Council which have been forwarded to me. I inspected the site on 18 January 1994.
2. Although the planning application form and notice of appeal used slightly different wording, the above description (which is taken from the notice of refusal) in my view accurately defines the nature of your development proposal.
3. From my inspection of the site and the surrounding area and from the representations made I consider that the main issues in this case are the effects of the proposal on (i) the living conditions of neighbours and prospective residents with particular reference to privacy, overlooking, outlook, overdominance and loss of light; and (ii) the character and appearance of the surrounding residential area.
4. This appeal relates to your home, a 2-storey terraced house on the south side of Granville Road, a residential street in Northchurch. You propose to build over your existing mono pitched single-storey rear extension, to form a flat-roofed 2-storey rear extension, connecting at eaves level with the pitched roof of the main house. This scheme has been prepared in consultation with your neighbour at No 60, who also proposes to build over his single-storey rear extension.
5. Joint plans were prepared by the same draftsman, showing essentially similar 2-storey flatroofed rear extensions at Nos 58 and 60, to the same main rear building line, and with



continuous side walls and virtually continuous roofs at the common boundary. However, the applications were made and determined separately. Both applications were refused on similar grounds. Each application is now subject of an appeal. It has been agreed that these appeals should be dealt with jointly, following joint inspection. This letter, therefore, should be read in conjunction with my appeal decision letter relating to No 60.

6. The site lies within the Berkhamsted urban area, to which new development is directed by the relevant provisions of the development plan, the Hertfordshire County Structure Plan Approved Alterations 1991 and the Dacorum District Plan (adopted 1984). The Council, therefore, has no objection to the principle of extending these two properties. Indeed, the Council states that if a single application were to incorporate both extensions to these properties with a suitable pitched roof, then this would overcome the harm each creates to the other.

7. As to the first issue, the Council refers to Policy 8 (D) of the Dacorum Local Plan (Deposit Draft and Proposed Modifications September 1993), which requires that all development should avoid harm to adjoining properties through (inter alia) visual intrusion or loss of privacy. This Deposit Plan has been adopted for development control purposes, and has reached a fairly advance stage towards adoption. In view of the age and status of this Deposit Plan, and the consistency of this provision with national planning advice in Planning Policy Guidance Notes 1 and 3, I regard this Policy as carrying substantial weight in this appeal.

8. The proposed extension would extend 4.8m in depth, and would be built immediately against the boundary with No 60, reaching up to 5.5m in height. If built on its own, I accept that this extension would cause undue loss of light and overshadowing and have an overbearing effect at the rear of No 60. The Council accepts that this harm would be avoided if your neighbour were to build his proposed extension at No 60. However, paragraph 32 of Circular 1/85 advises that, if land is outside the applicant's site, a condition requiring works on the land cannot be imposed unless the applicant has sufficient control over the land to enable those works to be carried out. It seems to me that this applies to the present case, since No 60 is not in your ownership or control.

9. Accordingly, I do not consider that this potential harm to No 60 can be overcome by a condition. However, since each owner has an interest in gaining extra accommodation, I think it most unlikely that if both schemes were allowed, one would proceed but not the other. As I have decided to allow both appeals, I am satisfied on the balance of probability that your proposed extension would not harm the amenity of occupants at No 60.

10. The proposed extension would be inset some 3m from the boundary with No 56, which the Council accepts would ensure adequate levels of space and light. The Council is concerned about loss of privacy and undue overlooking in relation to No 56, because the submitted plan shows a first-floor bedroom window in the side elevation facing directly out toward the rear area of No 56, and giving oblique views into the first floor bedroom window of that property. However, in my view this objection could be overcome by a condition as suggested by the Council, and accepted by you, requiring that this proposed secondary bedroom window should be fitted with obscured glass and with a top opening light only.

11. No other harm to neighbours is suggested. I conclude, therefore, that this proposal is not open to a valid amenity objection which would justify refusal. I now turn to consider the second issue. Policy 8 of the Deposit Plan requires a high standard of design, so that development is appropriate not only on the site itself but also in the context of adjoining properties and in longer views. As the Council's Environmental Guidelines advise, it is important that even small-scale extensions should harmonise with the original design and character of the main house, particularly in relation to roof form. In my view this requirement applies, even if (as here) the development would only be visible outside the site from the rear of nearby private properties.

12. In this case the Council objects to the low angle of pitch, the use of mineral roof felting, the length and bulk of the proposed extensions, and, above all, the flat roof design. For this purpose, I consider that visual impact should be assessed on the basis that the proposed extensions are built at both properties. The basic roof form of this terrace is characterised by a steeply sloping north and south facing pitch. Several of these terraced properties (including, for example, Nos 56 and 62) already have single-storey flatroofed rear additions. Some also (for example, No 68, and No 25 which is on the opposite side of the road) have 2-storey rear extensions, with roofs which are partly or wholly flat roofs. However, I do not consider that the existence of these flat-roofed rear extensions in the locality has set a pattern which in itself justifies the proposal.

13. In this context, I agree with the Council, the extra expense of a pitched roof is not a relevant consideration. In many situations where the main house is a 2-storey terraced building with a steeply pitched roof, the addition of a 2-storey flat roof structure may appear incongruous and out of character with the main roofline. On the other hand, a pitched roof may add to the bulk of an extension. In my opinion, the visual impact of each such scheme must be judged essentially according to the particular circumstances of the case, including the design and size of the extension, the alignment of properties, and gradients.

14. The land at the rear of the site, consisting of rear gardens of the terrace and of the houses in Bell Lane, slopes steeply up southwards, away from the rear of the terrace. The proposed extensions would only be seen from the rear of these properties, and from a higher level, because of the steeply rising ground. In this situation, although I understand the concern of the Council, I do not consider that the 2-storey flat-roofed extensions as proposed, joined to the main house at eaves level, would appear so incongruous or out of character either with the terrace or with the surrounding area as to justify refusal. Significantly, this view is shared by the Parish Council, who, having visited the site and discussed the scheme with neighbours, have no objections to the scheme.

15. Accordingly I conclude in relation to the second issue that the proposal meets the essential requirements of the development plan and would not harm the general character and appearance of the site or the surrounding area so as to justify refusal. I have taken into account all other matters contained in the representations but find none which outweighs the considerations leading to my main conclusions. I propose, therefore, to allow your appeal, subject to conditions as requested by the Council, and accepted by you, for obscure glazing of the first floor side window and for provision of matching materials, which I consider necessary in the interests, variously, of residential and visual amenity.

16. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a first floor rear extension at 58 Granville Road, Northchurch in accordance with the terms of the application (No 4/0505/93/FH) dated 5 April 1993 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 proposed first floor window in the north west elevation shall be fitted with obscured glass and be of a top opening light only and shall remain so;
3. the materials used externally for the walls shall match in colour and texture those of the existing building of which this development shall form part.

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

Yours faithfully

*R F Woodhouse*

R F WOODHOUSE MA (Cantab) Barrister  
Inspector