



The Planning Inspectorate

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

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Mrs J Richardson and Mr D Fry
28 Sunnyhill Road
HEMEL HEMPSTEAD
Herts
HP1 1SZ

Your reference:

Our reference:

APP/AT9106A/96/275672/P8						
PLANNING DEPARTMENT						
Date: 26 MAR 1997						
DACORUM BOROUGH COUNCIL						
Ref.						
DoP		DP	DC	LC	Other	File
Received 27 MAR 1997						
Comments						

Dear Sir & Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/0779/96

1. 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 second storey rear extension at 28 Sunnyhill Road, Hemel Hempstead, Herts. I have considered the written representations made by you and by the Council.
2. From my inspection of the site and its surroundings on 19 March 1997 and examination of the representations I consider the main issue in your case is the effect the proposal would have on the amenities of neighbours, in terms of daylight and sunlight, and whether it would be overbearing development.
3. Reference has been made to national planning guidance on the determining of planning applications, and to policies in the Hertfordshire Structure Plan, and in the Dacorum Borough Local Plan, which seek to ensure that new development, including house extensions, is in keeping with its surroundings, in particular with regard to such things as design, materials, scale and layout, and that it is not harmful to the amenities of neighbours. My attention has also been drawn to the environmental guidelines, referred to in policy 9 of the local plan, which give advice, to achieve those aims, on the size and siting of house extensions. Section 54A of the Town and Country Planning Act 1990 requires that any determination under the planning Acts, where regard is to be had to the development plan, shall be made in accordance with that plan unless material considerations indicate otherwise. My consideration of this appeal has been on that basis.
4. The proposed addition would extend for virtually the full width of the appeal property, being set in 0.15m from the common boundaries with 26 and 30. No 28 is a mid-terrace property and the neighbours first floor windows are in very close proximity: in 30 about 1/2m from the boundary and in 26 about 1/4m. The eaves level in 26 is also about 1/2m lower than 28 so the head of the nearest window there would be that distance below the eaves line of the proposed extension.
5. The environmental guidelines advise, in paragraph 10.(v)(c)(ii), that new extensions should be set clear of a 45° angle taken from the nearest habitable room window in neighbouring properties. This standard is not satisfied for either of the neighbours with the appeal proposal. With respect to 30 the

extension, because of its close proximity, would, in my opinion be a dominant and oppressive structure when seen from the neighbour's windows. In addition, with its location so near to, and to the south and south-east of, those windows, the extension would, in my view, cause serious loss of daylight and sunlight. In relation to 26 the extension would be to the north and north-east so the loss of daylight and sunlight would not be so severe, but the extra height above the window head, and its closer proximity, would, I believe, create a greater sense of confinement.

6. I conclude that the proposed extension would cause serious loss of daylight and sunlight, and be overbearing development to the detriment of neighbours' amenities, and that it would be in conflict with the aims of the planning policies.

7. You have referred in your representations to other rear extensions which have been allowed, and which you consider are similar to your proposal. Although I was able to see, at a distance, the additions to 6 and 8 Sunnyhill Road, no details of those, or of the other applications concerned, have been put to me, and I have decided your case on its own merits. I have also taken into account all the other matters raised in the representations but they do not outweigh the considerations which have led me to my decision.

8. For the above reasons, and in exercise of powers transferred to me, I hereby dismiss your appeal.

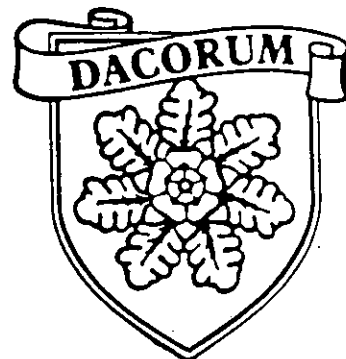
Yours faithfully



J. F. WRIGHT FRICS
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0779/96

Mr & Mrs Fry
28 Sunnyhill Road
Hemel Hempstead
Herts

Mr M Droog Hayes
Ivy House
21a Church Road
Watford, Herts
WD1 3PY

DEVELOPMENT ADDRESS AND DESCRIPTION
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28 Sunnyhill Road, Hemel Hempstead, Herts

FIRST FLOOR REAR EXTENSION

Your application for *full planning permission (householder)* dated 12.06.1996 and received on 13.06.1996 has been **REFUSED**, for the reasons set out on the attached sheet(s).

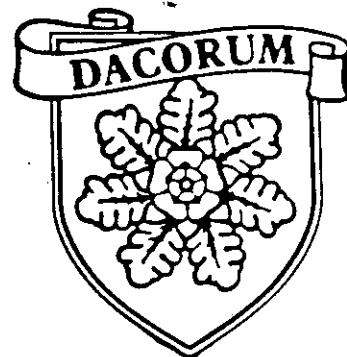
Director of Planning

Date of Decision: 02.08.1996

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0779/96

Date of Decision: 02.08.1996



The proposed extension by virtue of its height and depth fails to satisfy the Council's environmental guidelines relating to extensions and will appear overbearing and result in a loss of amenities to adjoining properties.