



# Appeal Decision

site visit held on Monday, March 20, 2000

by David Richards BSocSci DipTP MRTPI JP

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
Tollgate House,  
Houlton Street  
Bristol BS2 9DU  
☎ 0117 987 8927

Date

02 MAY 2000

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## Appeal: T/APP/A1910/A/99/1035197/P9

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is brought by Paul Jolly against Dacorum Borough Council.
- The site is located at 12 Great Elms Road, Hemel Hempstead.
- The application (ref: 4/00922/99/FHA), dated May 19, 1999, was refused on July 13, 1999.
- The development proposed is a single storey front extension.

**Decision:** The appeal is dismissed.

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### The main issue

1. The main issue is the effect of the proposal on the character and appearance of the dwelling and neighbouring dwellings in Great Elms Road.

### The development plan and other policy considerations

2. The development plan for the area includes the Dacorum Borough Local Plan which was adopted in April 1995 (LP). Policy 8 of the LP sets out general criteria for development, which should, amongst other things, be appropriate in terms of scale and bulk on the site itself, and in relation to adjoining property. It should also respect the general character of the area in which it is set.
3. The LP is currently being reviewed. Policy 9 of the deposit draft Dacorum Borough Local Plan 1991 – 2011 (dated October 1998) is expressed in similar terms to Policy 8 of the LP in respect of these matters. Policy 10 of the deposit draft refers to Environmental Guidelines published as part of the plan review. Section 10 of these guidelines deals with small-scale house extensions and states amongst other things that a front extension may be acceptable, if it is fairly small and does not project beyond the front wall in a way that dominates the street scene. These guidelines are not part of the development plan but are consistent with the adopted and emerging policies. I have given them considerable weight in reaching my conclusion.

### Inspector's reasons

4. 12 Great Elms Road is a semi-detached dwelling which has been extended in the past to the side and rear of the property. It is set on the south side of a street of similar properties, which rises uphill to the east. There is a front garden some 7.5 metres deep between the dwelling and the footpath. The proposed extension would be some 3 metres wide and 2.3 metres deep, under a hipped roof some 3.75 metres in height. It would provide a porch, with a toilet and shower room to the side.
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5. The front gardens of this property and its neighbours have an open appearance, and any front extension would be visible in the street scene. It is therefore important that any such proposal should be in proportion with the dwelling itself and other properties in the area and not appear over-dominant, as required by the policies and guidance set out above.
6. The frontages of the dwellings in this part of Great Elms Road conform to an established building line, allowing for small variations in the degree to which individual properties project or are set back. I acknowledge that the adjacent property (No 10 Great Elms Road) projects marginally in front of No 12, as the appellant points out. However, in my judgement, the proposed extension would project forward of the general line of the frontages to an unacceptable degree, and appear as a dominant and uncharacteristic feature of the streetscene. It would be prominent in the views of passers by, and from Ash Grove, which joins Great Elms Road at right angles on the opposite side of the road near to No 12.
7. Whilst many of the houses in Great Elms Road have been altered and extended in the past, I did not see any in the immediate area which had extensions projecting forward from the dwelling to the same degree as would this proposal. I consider that it would be a bulky and disproportionate addition to the front of the property, which would be out of scale with the existing dwelling itself and with the character and appearance of neighbouring dwellings.

### **Conclusion**

8. I therefore conclude that the proposed extension would have an unacceptably harmful effect on the character and appearance of the dwelling and of neighbouring dwellings, by reason of its bulk and prominence. This would conflict with Policy 8 of the LP and the related policy and guidance of the emerging plan.

### **Other matters**

9. I have taken into account all of the other matters which have been raised but none affect my conclusion on the main issue.

### **Formal decision**

10. For the reasons given above I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly.

*David Richards*

### **Time period for making an appeal**

Your appeal must be made within the period set out in the table. The Secretary of State can allow a longer period, but he will not normally be prepared to do so unless there are special circumstances which excuse the delay in appealing. The Secretary of State need not consider an appeal if it seems to him that the Borough Council could not have granted permission or consent or could not have granted it without the conditions it imposed, having regard to the relevant legal provisions.

### **Purchase Notices**

If either the Borough Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development or works that have been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990 and Part I Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Compensation**

In certain circumstances, compensation may be claimed from the Borough Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Parts VI and VIII and related provisions of the Town and Country Planning Act 1990 and Part I Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

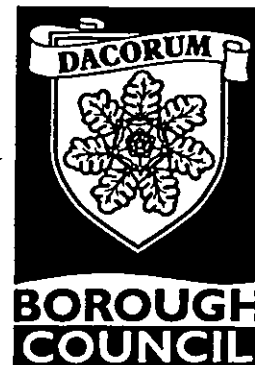
### **Listed building consent**

If you have been granted listed building consent for works of demolition, your attention is drawn to Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the Borough Council) until notice of the proposal has been given to the Royal Commission on Historical Monuments of England, Alexander House, 19 Fleming Way, Swindon SN1 2NG, and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent or they have stated that they have completed their record of the building or that they do not wish to record it.

### **Building Regulations**

This decision notice is not an approval under the Building Regulations, for which a separate application may be required. Further information can be obtained from the Planning Department's Building Control Service Unit ☎ 01442 228587.

# TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990



## Further information about your planning decision

If you wish to have an explanation of the reasons for the Council's decision, please contact the Planning Department ☎ 01442 228376. A meeting can be arranged if necessary. Please note the special provisions relating to *listed building consent* and *Building Regulations approvals* mentioned overleaf.

## Your right to appeal against the Borough Council's decision

You can appeal to the Secretary of State for the Environment, Transport and the Regions against the Borough Council's decision in any of the circumstances set out in the table below. If you decide to appeal, these notes will help you. You may also wish to read the booklet "Planning Appeals - A Guide", published by the Department of the Environment, which is available free from the Planning Department.

Type of decision	Period for appeal	How to appeal
A refusal (or a grant subject to conditions) of planning permission, listed building consent, conservation area consent, or any approval required by condition	Six months	On a form available from the Planning Inspectorate, Tollgate House, Houlton Street, Bristol BS2 9DJ ☎ 0117 987 8000
A refusal (or a grant subject to conditions) of advertisement consent	Eight weeks	
A refusal to vary or discharge any conditions attached to a planning permission, listed building consent or conservation area consent, or to substitute new conditions	Six months	
A refusal to give an approval required under a development order	Six months	
A refusal to grant a lawful development certificate	No time limit	
A refusal (or a grant subject to conditions) of consent to carry out works to a tree covered by a Tree Preservation Order	28 days	On a form available from the Government Office for the East of England, 49/53 Heron House, Goldington Road, Bedford MK40 3LL ☎ 01234 796000



# PLANNING

Civic Centre Marlowes  
Hemel Hempstead  
Herts HP1 1HH

MR P JOLLY  
12 GREAT ELMS ROAD  
HEMEL HEMPSTEAD  
HERTS  
HP3 9TJ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00922/99/FHA

12 GREAT ELMS ROAD, HEMEL HEMPSTEAD, HERTS, HP3 9TJ  
SINGLE STOREY FRONT EXTENSION

Your application for full planning permission (householder) dated 19 May 1999 and received on 21 May 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 13 July 1999

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00922/99/FHA**

Date of Decision: 13 July 1999

1. Policies of the Development Plan aim to safeguard the local environment. Policy 8 of the adopted Dacorum Borough Local Plan and Policy 9 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft specify that development will not be permitted unless a range of criteria are satisfied. These policies are supported by the associated Environmental Guidelines for Small Extensions. The proposed front extension is unacceptable in accordance with these policies and guidelines, since, by reason of its size and position, it will be visually intrusive within the street scene and will not appear to be designed as an integral part of the dwellinghouse.