



PLANNING

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Applicant:
MR M COOPER
1 MORTAIN DRIVE
BERKHAMSTED
HERTS
HP4 1JZ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00999/98/FHA

1 MORTAIN DRIVE, BERKHAMSTED, HERTS, HP4 1JZ
TWO STOREY REAR EXTENSION

Your application for full planning permission (householder) dated 11 June 1998 and received on 12 June 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 06 August 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00999/98/FHA

Date of Decision: 06 August 1998

- 1. The ground floor window in the south elevation of the proposed development would directly overlook the private garden area of 2 Mortain Drive which would be seriously detrimental to the residential amenities and privacy at present enjoyed by the occupants of the adjacent dwelling.**
- 2. Due to the significant drop in levels between 1 and 2 Mortain Drive the proposed extension will give rise to conditions detrimental to the amenities of the occupants of the adjoining property by reason of its intrusive and overbearing appearance.**



The Planning Inspectorate

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Kevin Jelle

Mr M P Cooper
Badgers Hollow
1 Mortain Drive
BERKHAMSTED
Hertfordshire
HP4 1JZ

Your Ref:

Our Ref:

T/APP/A1910/A/99/1016259/P2

Date:

23 MAR 1999

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6

APPLICATION NO: 4/00999/98/FHA

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for a two storey rear extension at Badgers Hollow, 1 Mortain Drive, Berkhamsted. I have considered all the written representations together with all other material submitted to me. I inspected the site on 15 March 1999.
2. Your property is within an area of modern housing development, which features a compact layout. Therefore, from my inspection of the site and its surroundings, and from the representations received, I consider there to be one main issue. This is the impact of the appeal proposal on the level of residential amenity enjoyed by the occupiers of a neighbouring property.
3. The Town and Country Planning Act 1990 requires me to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this instance comprises the Hertfordshire Structure Plan Review 1991-2011 and the Dacorum Borough Local Plan.
4. Whilst the Council have made reference to policies within both documents, those within the Structure Plan provide general guidance. The Council acknowledge that within the urban area of Berkhamsted, residential extensions are acceptable in principle. Therefore, within the context of the above issue, I consider the following more detailed Borough Local Plan policies to be germane to this appeal. With regard to quality of development, Policy 8 requires a high standard; criterion (d) stating that development should avoid harm to the surrounding neighbourhood and adjoining properties through visual intrusion or loss of privacy. Policy 9 introduces Environmental Guidelines; Part 3 providing detailed guidance regarding the layout and design of residential areas. Part 10 provides similar guidance pertaining to small-scale house extensions, with particular reference in criterion (v) to rear extensions.
5. The Council have also drawn my attention to policies within the Dacorum Borough Local Plan 1991-2011 Deposit Draft, which has recently concluded its 'on deposit' period. Whilst a number of these policies are either similar to or are carried forward from those

within the extant Local Plan, this emerging Local Plan is at an early stage within the adoption process. Therefore, in accordance with advice within paragraph 48 of Planning Policy Guidance 1 (Revised) - General Policy and Principles, I will afford it little weight.

6. 1 Mortain Drive is a detached two storey dwelling, within residential development built on a valley side. Consequently, there are significant changes in levels between plots and neighbouring properties which, as stated, feature a compact layout. The appeal proposal consists of a two storey extension, some 3.5 metres deep and 6.3 metres wide overall, providing a ground floor garden room and a first floor bedroom. The southern wall of the proposed development would be an extension of the existing house wall, which is some 0.9 metres from the boundary wall of the adjacent property, 2 Mortain Drive. The western wall of the proposed extension, and which would face your rear garden, would line through with the rear wall of your existing single storey kitchen. The hipped roof to the proposed extension would match, and be an extension of, the existing roof. When considering the relationship between the appeal proposal and 2 Mortain Drive, the Council contend that it would give rise to matters of privacy and visual intrusion.

7. With regard to privacy, the extended southern elevation would incorporate a window to the garden room, and a first floor window to a new bathroom within the existing dwelling. In addition, a window to the western bedroom elevation would feature a small balcony. You now propose that the garden room window will be raised by some 304 millimetres, and that the boundary wall is also increased in height. You contend that such amendments would significantly restrict views into your neighbour's rear garden. The Council have suggested obscure glazing to windows in the southern elevation. Whilst you have no objections to such glazing to the bathroom window, you wish to retain clear glazing to the garden room window; albeit now proposed at a high level.

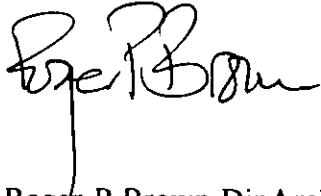
8. You also contend that the balcony to the bedroom window would be no more than a safety rail associated with inward opening french doors. Therefore, in this context and mindful of the details described above, I do not consider that the appeal proposal would give rise to an undue lack of privacy with regard to the occupants of the adjacent dwelling.

9. Turning now to visual intrusion, by virtue of the aforementioned ground contours, your property is some 1.23 metres higher than the adjacent dwelling. Notwithstanding the fact that the front of your property projects further forward than 2 Mortain Drive, some 2.5 metres of the appeal proposal would be clearly visible from your neighbour's rear garden. To my mind, by virtue of its overall height and location when viewed from this location, such development would be visually dominant and overpowering. Consequently, I consider that it would be harmful to the level of residential amenity enjoyed by the occupiers of the adjacent property. As such, it would not accord with criterion (d) of Policy 8, or the main thrust of Environmental Guidelines Parts 3 and 10 which form part of Policy 9. I have not been made aware of any material considerations which would indicate otherwise.

10. I have had regard to the conditions suggested by the Council, but in the light of the above judgement, I do not consider that they would render the appeal proposal acceptable. I have taken into account all other matters raised, including your reference to what you consider to be similar development within the area. However, I do not have enough information to suggest that such development is directly comparable to the appeal proposal which, in any case, must be determined on its merits. Therefore, I have found nothing which would outweigh the main considerations which have led me to my conclusion.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Roger P Brown', written in a cursive style.

Roger P Brown DipArch DipTP ARIBA MRTPI
Inspector

**NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER**