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Department of the Environment and Department of Transport

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GTN 2074

CHIEF EXECUTIVE
OFFICER

23 MAR 1988

File no. 2023/3
Ref: 2023/3
Date: 23 MAR 1988

Mr P W Abbiss FRICS
'Flintwood'
Kingsdale Road
BERKHAMPSTEAD
Herts
HP4 3BS

Your reference

Our reference

T/APP/A1910/A/87/80102/P2

Date

22 MAR 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR L BROWN
APPLICATION NO: 4/1155/87

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a rear extension for a snooker room with bedroom/bathroom accommodation above, dormer windows and alterations to provide habitable accommodation in the roofspace, and a garage at Tor Crest, Hollybush Road, Potten End, Hemel Hempstead. I have considered the written representations made by you and by the Council, and also those made by interested persons. I inspected the site on February 15 1988.

2. A subsequent proposal to extend the property has been approved by the Council. This differs from the scheme now under consideration, in that the rear extension would be single storey only, with a flat roof. It, therefore seems to me that this appeal turns on whether the size and scale of the proposed rear extension with first floor bedroom accommodation would be detrimental to the amenities of the adjoining bungalow known as "Melbourne". The bungalow on the appeal site, "Tor Crest", is about one metre from the northern boundary of the site. The bungalow to the north-west of the appeal site, "Melbourne", stands a little further away from this boundary. "Tor Crest" is situated a little further back into the garden than "Melbourne". There is a substantial conifer hedge along the boundary between the 2 gardens, reaching some 2 m in height. The eaves of the bungalow on the appeal site are some 0.5 m above the height of this hedge. The proposed rear extension would project about 4.3 m from the rear elevation of the existing bungalow.

3. The application as considered by the Local Authority incorporated 2 dormer windows the length of the rear extension. You have now suggested, as an amendment to the scheme, removing the dormer window on the north side of the proposed roof which would face the neighbouring dwelling, together with an adjustment to the position of the extension of 600 mm further away from this northern boundary of the appeal site. As these amendments represent a reduction in the scheme and are of a minor nature, I propose to consider them when determining this appeal.

4. The proposed extension would stand to the south of the adjoining dwelling. It seems to me that, because of the height and dense foliage of the boundary hedge, only the roof of the proposed extension would have any additional impact on the adjoining garden and dwelling. I envisage that the proposed extension with a dormer on the north side, close to the north boundary of the appeal site could be rather

overpowering, and would noticeably increase overshadowing of the house and garden in the morning and early afternoon. However, I consider that the suggested adjustment in the position of the proposed extension, together with the removal of the dormer on the north slope of the roof, would greatly reduce the visual impact and overshadowing affect of the proposed rear extension. In my opinion the amended scheme would not be harmful to the amenities which the adjoining residents can reasonably expect to have.

5. None of the other matters raised affect my decision. I can see no justification for imposing condition (c), as suggested by the Local Planning Authority, on the proposed extension as amended.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant permission for the erection of a rear extension, dormer windows, alterations and garage at "Tor Crest", Hollybush Road, Potten End, Hemel Hempstead in accordance with the terms of application (No 4/1155/87) dated 28 July 1987 and the plans submitted therewith as amended by your letter and plans submitted on 17 January 1988, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. the materials used externally shall match both in colour and texture those on the existing building which this development shall form part.

7. Attention is drawn to the fact that 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 approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



T CRANE BA MPhil DipConsStuds MRTPI
Inspector