

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/1302/91

Mr & Mrs D Gubbay  
24 The Laurels  
Potten End  
Herts

A E King  
24 Lincoln Court  
Charles Street  
Berkhamsted  
HERTS

DEVELOPMENT ADDRESS AND DESCRIPTION  
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24 The Laurels, Potten End,

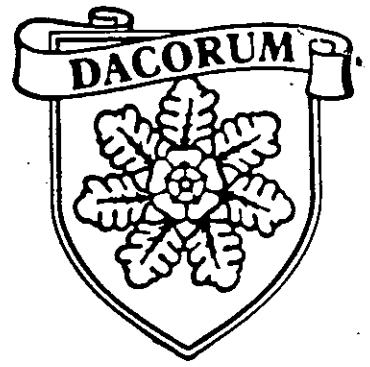
FIRST FLOOR SIDE EXTENSION

Your application for *full planning permission (householder)* dated 13.09.1991 and received on 24.09.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 28.11.1991

(ENC Reasons and Notes)



REASONS FOR REFUSAL  
OF APPLICATION: 4/1302/91

Date of Decision: 28.11.1991

Due to its design and location in close proximity to the adjacent property, the proposed first floor extension would be unneighbourly and have a seriously detrimental effect on the amenities of this property by reason of overlooking from the windows on the first floor of the front elevation.



# The Planning Inspectorate

C/82X/BR/P

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

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*1/DA*  
*2/AM*  
*3/ES*

A E King BA(Hons) BPL MRTP		Your Ref:	
24 Lincoln Court		Ack. Our Ref:	
Charles Street		T/APP/A1910/A/91/196698/P4	
BERKHAMSTED			
Hertfordshire			
HP4 3EN			
4 JUN 1992		Date: 3 JUN 1992	
Comments			

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR AND MRS D GUBBAY  
APPLICATION NO: 4/1302/91

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a first floor side extension, balcony and access ramp (to accommodate elderly parents) at 24 The Laurels, Potten End, Hertfordshire. I held a hearing into the appeal on 15 April 1992.

2. I note that since you made the application, you submitted revised plans on your clients' behalf which removed the proposed balcony and access ramp. These plans were considered by the Council and I will therefore deal with this appeal on the basis of the revised plans. (Plans A1-A3)

3. From what was said at the hearing, the submissions made and from my inspection of the site and the surrounding area I consider that the main issue in this case is the effect of the proposed extension on the residential amenities of people who live in The Cottage and September House with particular reference to over-looking and closeness.

4. The appeal site is within the Metropolitan Green Belt and policy 1 of the Hertfordshire County Council Structure Plan and policy 4 of the Dacorum District Plan reflect national policies for the strict control of development generally in Green Belts. Policy 5 of the District Plan identifies Potten End as a village where small-scale residential development within the main core may be granted. The District Plan is being reviewed and it was accepted at the hearing that policy 4 of the Deposit Draft of the Dacorum Borough Local Plan was appropriate to this appeal. This policy identifies Potten End as a small village within the Green Belt where house extensions will be permitted, subject to criteria which are set out in the policy. Policy 8 of the Deposit Draft sets

out further criteria which all development is expected to meet. The Structure Plan and District Plan are both adopted plans and I shall therefore give their policies considerable weight. The Dacorum Borough Local Plan Deposit Draft has been through several stages towards formal adoption and I shall therefore attach weight to its policies.

5. Your clients' house is a substantial detached dwelling which is part of a small group of similar houses. The proposed extension would be sited over the existing double garage on the southern side of the house and would be 1.3 m in front of the main front wall of the house, as the garage is now. The proposed extension would be about 1.5 m from the southern boundary of your clients' house, the land to the south of which is about 0.5 m higher than your clients' site.

6. Two dwellings adjoin your clients' house to the south: The Cottage and September House. The Cottage lies to the south-east and has an extensive garden further to the east, but has a 2-storey outbuilding, known as The Lodge, about 4.5 m from the front elevation of the proposed extension. It was the relationship of the windows in the extension and The Lodge which were the Council's primary concern in refusing the appeal application. There is also a strip of garden belonging to The Cottage 2-3 m wide which runs immediately south of your clients' property. September House lies to the south-west of your clients' house and is separated from it by this strip of garden. A drive and garage lie due south of the proposed extension whilst a 2-storey separate annex lies to the south-west.

7. The Lodge is a 2-storey brick built building which has at some time in the past been used for commercial premises. It has a 2-storey extension on its northern end, with windows at ground and first floor levels. The remainder of the ground floor has wide garage style doors on to a drive, and first floor with open rafters. It therefore has the character of a large garage and domestic outbuilding. The Council said at the hearing that the commercial use was conducted without planning permission and that The Lodge is an ancillary building to The Cottage. This was not challenged at the hearing, and The Lodge is at present used as storage in connection with the refurbishment of The Cottage. The proposed extension and The Lodge are at right angles to each other and the extension would not block direct views from windows in The Lodge. At ground floor level the views from The Lodge are restricted by a conifer hedge planted by your clients. I do not share the Council's concern about over-looking between windows at first floor level since I am satisfied from what I heard at the hearing and saw on my visit that any over-looking between the windows in the 2 buildings would be oblique and so limited as not to be harmful. The proposed future use of The Lodge is not clear, but my view would be the same if it were used as residential accommodation ancillary to The Cottage. It was accepted at the hearing that since the proposed extension lies to the north of The Lodge there could be no over-shadowing effect upon it.

8. It was also argued at the hearing that the proposed extension, 1.5 m from the site boundary, would be so close as to have an over-bearing effect on The Lodge itself and the strip of garden between it and your clients' house. However, since The Lodge is ancillary to the main house, and the garden is a long narrow strip clearly separated from the extensive main garden to the house, I do not consider that any effect the extension may have in this respect is sufficient to justify withholding planning permission.

9. September House lies to the south-west of the proposed extension. I am satisfied from my inspection of the property that the proposed extension is too far from, and at too oblique an angle to have any harmful effect upon the dwelling itself. The extension would, however, be clearly visible from the drive and parking area of this house and I believe it would bring your clients' property noticeably closer. However, the main garden for September House lies to the south of the house itself, and since I do not consider that the proposed extension would affect the house I do not believe that this effect is sufficient to justify withholding planning permission in this case.

10. I have considered all the other matters raised at the hearing and in submissions, including what the Council said about the effect of the proposed extension on the appearance of your clients' house and The Laurels, and what was said about its effects on The Cottage, but I find none of sufficient weight to alter my view that this appeal can be allowed. To ensure that the proposed extension is sensitive to the design of the existing house I have attached a condition relating to the materials to be used.

11. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a first floor side extension at 24 The Laurels, Potten End in accordance with the terms of the application (No 4/1302/91) dated 13 September 1991 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. before development commences details of the external finishing materials shall be submitted to and approved by the local planning authority.

12. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

13. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

I am Sir  
Your obedient Servant

David Asher

DAVID ASHER BA DipTP MRTPI  
Inspector

APPEARANCES

FOR THE APPELLANTS

- Mr A E King BA(Hons) MRTPI - 24 Lincoln Court, Charles Street,  
Berkhamsted, Hertfordshire,  
HP4 3FN.
- Mr D Gubbay - Appellant, 24 The Laurels, Potten  
End, Hertfordshire, HP4 2SP.

FOR THE PLANNING AUTHORITY

Miss F M A Moloney BA(Hons)  
DipUPI MRTPI

INTERESTED PERSONS

- Mr R Bull - The Cottage, 21 Hempstead Lane,  
Potten End, Berkhamsted,  
Hertfordshire, HP4 2RZ.
- Mrs S Freeth - September House, Hempstead Lane,  
Potten End, Berkhamsted,  
Hertfordshire, HP4 2RZ.

DOCUMENTS

- Document 1 - List of persons present at the Hearing.
- Document 2 - Council's letter of notification.
- Document 3 - One letter in reply to 2 above: Mr R Bull, The  
Cottage.
- Documents 4.1 and 4.2 - Letters of representations to application:  
Mr N Freeth and Nettleden with Potten End  
Parish Council.
- Document 5 - Letter from Borough Council to Mr R Bull,  
10 April 1992.

PLANS

- Plan A1-A3 - Application Plans; amended November 1991 and  
considered by the local planning authority.