



PLANNING

Civic Centre Marlowes
Hemel Hempstead
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MR A R ADAMS
23 NEWELL ROAD
HEMEL HEMPSTEAD
HERTS

Applicant:
MR & MRS PROSSER
15 DELMAR AVENUE
HEMEL HEMPSTEAD
HERTS
HP2 4LY

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01419/97/FHA

15 DELMAR AVENUE, HEMEL HEMPSTEAD, HERTS, HP2 4LY
GARAGE CONVERSION AND FIRST FLOOR EXTENSION

Your application for full planning permission (householder) dated 2 September 1997 and received on 8 September 1997 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 15 October 1997

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01419/97/FHA

Date of Decision: 15 October 1997

. The proposed extension would give rise to conditions detrimental to the amenities of the adjacent dwelling, The Oaks, Badgers Croft, by reason of its intrusive and overbearing appearance, overlooking, overshadowing and loss of light.



The Planning Inspectorate

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Your Ref:

Our Ref:
T/APP/A1910/A/98/291616/P5

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Date: 08 MAY 1998												

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS D PROSSER
APPLICATION NO: 4/01419/97/FHA

1. I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for a second storey extension at 15 Delmar Avenue, Leverstock Green, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 27 April 1998.
2. For clarification, the proposed development involves the conversion of an existing double garage to habitable accommodation, with a ground floor extension to form a utility room at the rear of the existing garage, and a first floor extension to create additional accommodation above the garage.
3. From my inspection of the site and its surroundings, and from the representations made, I consider that the main issue in this case is the effect of the proposed development on the living conditions of the occupants of the adjacent dwelling, with reference to visual impact, privacy, overshadowing and daylight.
4. The development plan for the area comprises the Hertfordshire County Structure Plan Review Incorporating Approved Alterations (1991) and the Dacorum Borough Local Plan (1995). The Council has referred me to Structure Plan Policies 47, 48 and 49, and Local Plan Policies 8, 9 and 10. Structure Plan Policy 49 identifies Hemel Hempstead as one of the towns where development will generally be concentrated, whilst Policy 47 aims to protect and enhance existing settlements and their character, including consideration of the individual and cumulative impact of development proposals. As it relates to this proposal, Policy 48 aims to



enhance the quality and viability of the built environment and the pattern of open areas within towns, by guiding development appropriately.

5. Local Plan Policy 8 expects a high standard in development proposals and requires development to be appropriate in terms of layout, site coverage, design, scale, bulk height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views. Among other things, a further requirement of this policy is that development proposals must avoid harm to the surrounding neighbourhood and adjoining properties through visual intrusion, loss of privacy, noise, disturbance or pollution. Policy 9 further expands on the requirements and criteria included in Policy 8, by referring to the environmental guidelines set out within the plan, which development proposals would normally be required to meet. Policy 10 refers to the use of planning conditions and obligations to control the adverse effects of development proposals.

6. In addition to the above policies, the Council has also referred to Car Parking Standards For Hertfordshire (1994), referred to in the Council's environmental guidelines, and recently approved for development control purposes.

7. The appeal property is a modern detached dwelling, accessed via a narrow private drive from Delmar Avenue. The existing garage is attached at right angles to the front elevation of the dwelling, such that the side elevation of the dwelling and the rear of the garage face north-west. This elevation of the property is approximately 2.8 metres from the site boundary which adjoins a public footpath, approximately 1.3 metres wide, running along the north west site boundary. On the opposite side of the public footpath is the neighbouring dwelling of The Oaks in Badgers Croft. This is a detached bungalow with living accommodation within the roof space, in which the rear of the dwelling faces south east. The south-eastern elevation of that dwelling is approximately 5.1 metres from the site boundary adjoining the public footpath.

8. At my site inspection, I viewed the appeal site from the garden and south-east facing windows of the neighbouring property, The Oaks. The erection of the proposed first floor extension above the garage of the appeal property would, in my view, have an intrusive and overbearing visual impact due to its height, scale and proximity, when viewed from the rear garden and south-east facing ground floor rooms of the neighbouring dwelling, The Oaks. The rooms principally affected would be two ground floor bedrooms, and to a lesser degree the kitchen which currently faces the two storey side elevation of the appeal property. The rear garden of this property is relatively short, and the effect of the proposed extension would be to significantly reduce views of open sky from these windows. Those views would be replaced by the wall of the extended first floor accommodation of the appeal property.

9. The first floor extension of the appeal property would have two new windows in the north-west facing elevation. The proposal indicates that these would be obscurely glazed. Whilst ground floor windows of the neighbouring bungalow would be screened by boundary fences and planting, due to difference in level between the two dwellings, I consider it likely that the new first floor windows of the proposed extension would overlook the rooflight window to the first floor living accommodation of The Oaks. One of these new windows would be to a bathroom, which I would expect to be obscurely glazed, as proposed. However, the second would be the only window to a bedroom. In these circumstances I do not consider

that it would be reasonable to impose a condition requiring that window to remain obscurely glazed, and as an opening window such a requirement would not be entirely effective in protecting the privacy of the occupants of the neighbouring dwelling.

10. Due to the space of approximately 9.2 metres between the relevant parts of the facing elevations of the appeal property and the neighbouring dwelling, I do not consider that the loss of daylight to the rear windows and garden of the neighbouring dwelling, attributable to the increased height of the proposed extension, would be significant. However, the proposed first floor extension would overshadow the rear garden and south-east facing ground floor windows of The Oaks, leading to loss of morning sunlight to these aspects of the neighbouring property, which I consider would be significantly detrimental to the living conditions of the occupants.

11. The above considerations lead me to conclude on the main issue in this case that the proposed development would be significantly harmful to the living conditions of the occupants of the adjacent residential property, with reference to visual impact, privacy, and overshadowing. This would be contrary to the intentions of Policy 8 of the adopted Local Plan.

12. I have taken into account all other matters raised, but these do not outweigh the considerations which have led to my conclusion.

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

Yours faithfully



E D Clark BSc MSc CChem MRSC MCIWEM
Inspector