

Appeal Decision

Site visit made on 20 September 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2016

Appeal Ref: APP/B1930/D/16/3155079

18 Batchwood Drive, St Albans, Hertfordshire AL3 5SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Dawn Watkins against the decision of St Albans City & District Council.
 - The application Ref 5/16/0852, dated 17 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is part single, part two storey rear extension with roof lights and single storey side extension.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 27 September 2016.

Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey rear extension with roof lights and single storey side extension at 18 Batchwood Drive, St Albans, Hertfordshire AL3 5SB in accordance with the terms of the application, Ref 5/16/0852, dated 17 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1117:01, 1117:02C and 1117:03A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Miss Dawn Watkins against St Albans City & District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of 20 Batchwood Drive with regard to outlook and light.

Reasons

4. 18 Batchwood Drive is a semi-detached property situated amongst a number of semi-detached houses which line the north side of the road. No 18 and the
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adjoining property at No 20 have not been extended to the rear. Both properties have windows and patio doors on the rear elevation that look into their gardens. The patio doors at No 20 appeared on my site visit to serve a living and/or dining room.

5. It is evident from reading the officer report that the contested issue with the proposed development is the depth and proximity of the first floor rear extension in relation to No 20. It would intrude into a 45 degree visibility zone of the patio doors at No 20 which Policy 72(ix) of the St Albans District Local Plan Review 1994 ('the Local Plan') normally seeks to avoid. It is not clear from the officer report what effect the Council considers this would have, but reference to visibility zone in the policy suggests that the principal issue is outlook, but also light.
6. The extent of intrusion into the 45 degree visibility zone would be limited to a small part of the patio doors nearest the shared boundary. The first floor rear extension would be visible from the patio doors at No 20, but the view would be oblique and would not detract from views into the rear garden of No 20. Furthermore, the single storey rear extension adjacent to the shared boundary with a depth of 3 metres and a height ranging from 2.5 metres to 3.6 metres would be more prominent in any view from the patio doors to No 18. The negative effect on the living conditions of occupiers of No 20 in terms of outlook would therefore be limited.
7. The north facing rear elevations of Nos 18 and 20 do not receive much in the way of direct sunlight, but nevertheless the proposed development would have some effect on daylight to the patio doors at No 20. Much of this would be caused by the single storey rear extension given its scale and proximity. The first floor rear extension would have less effect due to its set back from the shared boundary and its limited intrusion into the 45 degree zone. The negative effect on the living conditions of occupiers of No 20 in terms of light would therefore be limited.
8. To conclude, the effect of the proposed development on the living conditions of occupiers of 20 Batchwood Drive would not be unacceptably harmful. Therefore, the development accords with Policies 69 and 72 of the Local Plan in terms of relating well to its surroundings. While it does not fully accord with Policy 72(ix), the intrusion into the 45 degree visibility zone is limited and the site circumstances indicate that the development would be acceptable in terms of outlook and light. The proposed development would also comply with paragraph 17 of the National Planning Policy Framework which seeks a good standard of amenity for all existing and future occupants.

Conclusion

9. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. A condition concerning the materials to be used is necessary and relevant to ensure that the appearance of the development is satisfactory.

Tom Gilbert-Wooldridge

INSPECTOR