
Appeal Decision

Site visit made on 3 November 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 16th November 2016

Appeal Ref: APP/N1920/D/16/3159767

43 Langmead Drive, Bushey Heath, Bushey, Hertfordshire WD23 4GD

- 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 Mr Andre Carrau against the decision of Hertsmere Borough Council.
 - The application Ref 16/1046/HSE, dated 27 May 2016, was refused by notice dated 18 August 2016.
 - The development proposed is a front porch, part single, part 2-storey rear extension and 2 storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of the occupiers of 45 Langmead Drive with particular regard to outlook and daylight and sunlight.

Reasons

Character and appearance

3. Langmead Drive has a mixture of semi-detached and detached properties all of which exhibit a traditional style and appearance. The appeal property is a semi-detached dwelling located on the north side of Langmead Drive. To the west of the site is a detached dwelling.
 4. It is common ground between the principal parties that the removal of the detached outbuilding, the new front porch and the visual aspects of the single storey rear extension are acceptable and I have no reason to disagree. The key concern therefore relates to the two storey side extension and its proximity to the side boundary together with its siting in line with the front of the existing dwelling.
 5. Part E (2006) of the Hertsmere Local Plan Supplementary Planning Document Planning and Design Guide (SPD) indicates that two storey side extensions should be set in a minimum of 2 metres in from the side boundary and should be set back from the front elevation by at least 1 metre.
 6. In this case, the extension would be sited within 0.3 metres of the side boundary to the property. The infilling of almost the entire width of the plot would close an important gap between the two properties which helps to define
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- the generally spacious character of the road (with visual breaks between properties) particularly if a similar extension was undertaken at the adjoining property.
7. Whilst there would be a gap of approximately 2.7 metres remaining between 41 Langmead Drive and the extension, this would be almost entirely on the side of No 41, and would not in any case be sufficient to retain the open aspect between the two properties given its scale and siting.
 8. In addition to the proximity to the side boundary, the proposal would be set in line with the front of the existing property. This combined with the resultant roof line would result in an extension that would not appear to be subservient to the host dwelling.
 9. The combination of these factors leads me to the conclusion that the development would give rise to significant harm to the character and appearance of the host dwelling and the streetscene.
 10. My attention has been drawn to several other two storey side extensions in Langmead Drive. From my site visit I saw the majority of these to be set back from the main front wall of the respective properties with several of them also set off the boundary to a much greater degree than the appeal development. The ones which were not set back were located on corner plots where the relationship to the adjoining property is significantly different. Moreover, each case must be decided upon its own merits.
 11. For the above reasons, I conclude that the two storey side extension would have a detrimental impact on the character and appearance of the area. The development would therefore be in conflict with the National Planning Policy Framework (the Framework), Policy CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy 2013 (CS), Policy SADM31 of the Site Allocations and Development Management Policies Plan 2015 (SADMPP) and the SPD which amongst other matters seek to protect the character and appearance of the area.

Living Conditions

12. The proposal includes a single storey, flat roofed, extension across the back of the existing property which extends out approximately 3.5 metres. The land level adjacent to the rear of the house is significantly lower than the finished floor level of the property and the land further slopes downwards towards the rear of the garden.
13. However, the finished floor level of 45 Langmead Drive is the same as No 43 and therefore in respect of the availability of daylight and sunlight to the closest rear window of No 45 the impact would be the same as if it was level ground.
14. In terms of the effect of the development on the availability of sunlight, given the orientation of the dwelling in relation to sunrise and sunset, the proposal would have a negligible impact. In respect of daylight, given the depth of the extension and its design, utilising a flat roof, it would not have a significant impact on the availability of daylight.

15. Whilst I acknowledge that the proposal would not accord with the provisions of SPD, the development would not result in any material harm to the occupants of No 45.
16. For the above reasons, I conclude that the proposal would not harm the living conditions of the occupiers of 45 Langmead Drive. Therefore the proposal would accord with the provisions of the Framework, Policy CS22 of the CS, and Policy SADM31 of the SADMPP, which amongst other things seek to protect the amenity of the occupiers of residential properties.

Conclusion

17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR