

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: 28th November 2016

Appeal Ref: APP/N1920/D/16/3158734

28 Laurel Fields, Potters Bar, Hertfordshire EN6 2BB

- 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 David Ledesma against the decision of Hertsmere Borough Council.
 - The application Ref 16/1388/HSE, dated 14 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is a rear roof extension to facilitate a loft conversion, 3x roof windows to existing front roof slope, first floor side extension including 1x roof window to front and 1x roof window to rear roof slope and 'juliet' balcony to first floor rear elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of The Hyde (40A Clive Close) with particular regard to outlook.

Reasons

3. The appeal site is an end terraced property located broadly to the north of The Hyde. The appeal dwelling is set at a much higher land level than The Hyde. As I understand it the appeal dwelling has been previously extended to the side with a basement/ground floor extension with a pitched roof.
 4. It is common ground between the main parties that the proposed dormer window to the rear of the existing property would not have any adverse impact on the living conditions of the neighbouring properties and I have no reason to disagree.
 5. The key issue therefore relates to the side extension which forms an additional bedroom and storage area in the roofspace. The proposed extension would be sited approximately 2 metres away from the boundary with The Hyde and given the land level differences between the two properties would result in a building which would be three storeys in scale.
 6. The Hyde has habitable room windows facing the side of No 28 albeit at an angle. However, the location of these windows is on the far side of the property and to my mind the proposed extension would not have an overbearing impact when viewed from these windows.
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7. However, given the proximity of the extension to the boundary and its overall height and massing it would be significant when viewed from the rear garden area of The Hyde.
8. Whilst the extension would be set down from the ridge height of the main dwelling, this would not reduce its overall impact to an extent that would result in a development that would not be overbearing to the occupiers of The Hyde when they are using their rear garden.
9. I acknowledge that The Hyde has two garden areas, both of which provide areas of private amenity space. However, this does not outweigh the harm I have found.
10. For the above reasons, I conclude that the proposal would harm the living conditions of the occupiers of The Hyde. Therefore the proposal would conflict with Policy CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy (2013), Policy SADM31 of the Site Allocations and Development Management Policies Plan (2015), Policies D20 and H8 of the Hertsmere Local Plan through to 2011 (2003) and Parts D (2013) and E (2006) of the Hertsmere Local Plan Supplementary Planning Document Planning and Design Guide which amongst other things seek to protect the amenity of the occupiers of adjoining residential properties.

Conclusion

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

Chris Forrett

INSPECTOR