
Appeal Decision

Site visit made on 1 November 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 1st December 2016

Appeal Ref: APP/B1930/D/16/3157253

73 Orchard Drive, St Albans, Hertfordshire AL2 2QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr W Lythaby and Ms T Houlihan against the decision of St Albans City & District Council.
 - The application Ref 5/2016/1845, dated 10 June 2016, was refused by notice dated 21 July 2016.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO') at paragraph A.4 requires that details of such developments are first submitted to the local planning authority ('LPA') before the commencement of development – the prior notification process. This process has a number of stages, including paragraph A.4 (3), which allows the LPA to refuse an application for prior notification where, in their opinion, the development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A.
3. In circumstances such as the appeal before me, where the LPA is satisfied that the proposal meets the conditions, limitations or restrictions set out in Class A, they are required to serve notice on any adjoining owners giving them the opportunity to make representations on the proposal. The Council notified adjoining owners and occupiers of the proposed development as required under paragraph A.4 (5) of Schedule 2, Part 1, Class A. As an objection was received, prior approval is required as to the impact of the proposal on the amenity of any adjoining premises, taking account of the representations received.

Main Issue

4. Given the above, the main issue is the effect of the proposal on the living conditions of the occupiers of No. 71 Orchard Drive, with particular regard to outlook and light.
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Reasons

5. The appeal property is a two storey semi-detached property in a street of similar properties. The attached property, No. 71 has a set of patio doors and windows located very close to the boundary with the appeal site that serve a lounge/living room. The boundary is formed by a timber fence and No. 71 also benefits from a single storey, flat roofed rear extension sited on the other side of the patio doors.
6. The proposal would extend above the height of the fence by a reasonable amount. Despite being designed with a roof that slopes away from the boundary, in combination with the depth of the extension and the presence of the existing rear extension at No. 71, this would create a tunnel effect that would be especially noticeable within that room and from the patio area immediately outside. It would create an undesirable sense of enclosure and be overbearing to the outlook from No. 71.
7. The Council has not demonstrated how loss of light would occur due to the extension but from what I have seen it is likely that there would be some overshadowing, given the orientation of the properties and the size of the extension, which adds to my concerns.
8. For these reasons, the proposal would harm the living conditions of the occupiers of No. 71 Orchard Drive in terms of outlook and light and would conflict with Policy 72 of the St. Albans District Local Plan Review 1994 ('LP'). Amongst other things, this requires that the light, privacy or amenity of an adjoining property is not be unacceptably harmed. Although the LP pre-dates the National Planning Policy Framework ('the Framework') and is of some vintage, I find this policy consistent with it in terms seeking a good standard of amenity for all existing and future occupiers of land and buildings. Accordingly, the proposal would also conflict with the Framework.

Other Matters

9. I acknowledge the desire of the appellant's to improve their property, other extensions exist in the area and that the accommodation is required for a growing family. However, I must determine the appeal on its own planning merits and in my view, these matters do not outweigh the harm that I have identified and therefore do not alter my view in relation to the main issue.

Conclusion

10. For the above reasons and having considered all other matters raised, I conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR