
Appeal Decision

Site visit made on 15 November 2016

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/P1940/W/16/3155811

31 Railway Terrace, Kings Langley, Hertfordshire WD4 8JB

- 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 D. Walker against the decision of Three Rivers District Council.
 - The application Ref 15/2405/RSP, dated 23 November 2015, was refused by notice dated 4 February 2016.
 - The development proposed is part single part two storey side extension and sub-division to form 2 no. 3-bedroom self-contained dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development in the application form and reflected in the banner heading above does not include all of the proposed additions and alterations shown on the plans submitted with the appeal. The elements missing from the description are a two-storey and first floor rear extension, dormer windows to the front and rear and a new vehicular access. I have determined the appeal on the basis of the proposals shown on the submitted plans.

Main Issues

3. The main issues in the appeal are the effects of the proposed development on:
 - the living conditions of the occupiers of 30 Railway Terrace, with particular regard to outlook, daylight and sunlight; and on
 - highway safety.

Reasons

Living Conditions

4. The appeal property has an existing single storey extension at the rear, which is approximately 3.3 metres in depth and extends up to the shared boundary with the neighbouring house at 30 Railway Terrace. The appeal proposal includes the addition of a first floor extension above the ground floor rear extension to create an additional bedroom space. The first floor extension would be to the same depth but set in from the shared boundary with no. 30 by approximately 1 metre.

5. No. 30 has a two-storey and single-storey rear projection, set approximately 1.6 metres away from the shared boundary with no. 31. It contains windows to habitable rooms at ground floor level in its south elevation facing the proposed extension, including the sole window to a reception room. There is also a first floor window in the rear facing elevation of no. 30, close to the shared boundary with no. 31.
6. Policies CP12 of the Three Rivers Local Development Framework Core Strategy (2011) (the Core Strategy) and DM1 of the Three Rivers Development Management Policies Local Development Document (2013) (the DMPLDD) expect development proposals to protect the residential amenities of neighbours, including their prospect and natural light. This is supported by paragraph 17 of the National Planning Policy Framework (the Framework) which seeks a good standard of amenity for all existing and future occupiers of buildings.
7. Policy DM1 expects all residential development to satisfy the design criteria contained in Appendix 2 of the DMPLDD. With regard to prospect or outlook, Appendix 2 requires that where the rear of a building looks onto the side of another, there must be sufficient distance to avoid the flank wall having an overbearing effect. To assess the effect on outlook, daylight and sunlight Appendix 2 applies a 45 degree rule, whereby two storey rear extensions or development should not intrude on a 45 degree line taken from a point on the rear boundary level with the rear wall of the adjacent property.
8. Applying these two design guidelines to the appeal proposal it is clear that the proposed first floor rear extension to no. 31 would cause a significant reduction in the outlook from and the level of sunlight and daylight penetrating windows at the rear of no. 30. The height of the flank wall of the first floor extension, its proximity to the rear projection to no. 30 and its position on the south side of no. 30 would, in particular, have an overbearing and overshadowing effect on the south facing reception room window at the rear of no. 30 and deprive it of much of its natural daylight and sunlight. The first floor extension would also have a harmful effect on the outlook from and natural light to the first floor rear facing window of no. 30.
9. My attention has been drawn to the existing two storey rear extensions at 29 and 30 Railway Terrace as a justification for the appeal proposal. However, it is a core principle of the planning system that each application is determined on its own merits. Whilst I acknowledge that the extensions at nos. 29 and 30 appear to breach the 45 degree line, their effect on outlook, daylight and sunlight would not appear to be significant. The extension at no. 30 is on the north side of no. 31, so does not harm sunlight to the rear of no. 31. There also appear to be no side facing windows at no. 29 and 30 affected.
10. Therefore, I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 30 Railway Terrace, with particular regard to outlook, daylight and sunlight. Consequently it would be contrary to Policies CP12 of the Core Strategy and DM1 of the DMPLDD and would fail to satisfy paragraph 17 of the Framework.

Highway Safety

11. The submitted plans show a single parking space in front of each of the proposed dwellings, with separate vehicular accesses onto the highway. Policy

DM13 and Appendix 5 of the DMPLDD seek 2 assigned spaces per dwelling for 3-bedroom properties. Even taking account of the parking restraint to be applied to this part of Railway Terrace due to its accessibility by public transport, Appendix 5 would still expect 1.5 parking spaces per dwelling. Accordingly, the proposal would not provide sufficient on plot parking space. This would lead to additional cars being parked on street along Railway Terrace, which I noted at my site visit is already heavily parked on both sides of the road.

12. In addition, the proposed parking spaces would be of insufficient length to accommodate a standard vehicle without overhanging the adjacent footway. This would result in cars parked in the front gardens of the two properties causing an obstruction to passing pedestrians, including people with mobility difficulties. The visibility for cars exiting the properties would also be restricted by the presence of cars parked at the road side. Due to the design and configuration of the parking spaces proposed, any vehicle entering or leaving the property would have to either stop in the road and reverse into the parking spaces or reverse out onto the road into the line of traffic.
13. Policy CP10 of the Core Strategy expects development to provide a safe and adequate means of access and provide for all users, giving priority to people with mobility difficulties and pedestrians. This is supported by paragraph 32 of the Framework.
14. I noted the volume of traffic on Railway Terrace and the presence of safety cameras nearby indicating a history of concerns about highway safety along this stretch of the road. The proposed development, by reason of its inadequate parking provision, the size and configuration of the parking spaces proposed and the restricted visibility caused by on street parking, would exacerbate the existing highway safety problems in Railway Terrace.
15. On this basis, I conclude that the proposal would cause unacceptable harm to highway safety. Therefore, it would be contrary to Policy CP10 of the Core Strategy and would conflict with paragraph 32 of the Framework.

Other Matters

16. The appellant refers to the presumption in favour of sustainable development in paragraph 14 of the Framework. However, the provisions under the third and fourth bullet points of paragraph 14 only apply where the proposals accord with the development plan or the development plan is absent, silent or out of date. Given my conclusions on the two main issues, it follows that the appeal proposals do not accord with the development plan. I have seen no evidence to suggest that the development plan is absent, silent or out of date. I acknowledge that the appeal proposals would create an additional dwelling, which would be a benefit to the supply of housing locally. But this would not outweigh the harm to living conditions and highway safety which would be caused by the development as proposed.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR