

Appeal Decision

Site visit made on 12 December 2016

by Claire Victory BA (Hons) MRTPI

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

Decision date: 24 January 2017

Appeal Ref: APP/N1920/W/16/3157937

21 Neville Close, Potters Bar, Hertfordshire EN6 2AG

- 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 G Jones against the decision of Hertsmere Borough Council.
 - The application Ref 15/1518/FUL, dated 25 August 2015, was refused by notice dated 17 March 2016.
 - The development proposed is the erection of 2 no. two bedroom semi-detached dwelling houses with off-street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the development on the living conditions of neighbouring occupiers, in regard to outlook;
 - the effect of the development on the living conditions of future occupiers, in regard to privacy; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions of neighbouring occupiers

3. The two semi-detached dwellings would be located on land to the side of No 21 Neville Close, fronting Laurel Avenue. The submitted drawings indicate that the flank wall of the property nearest to No 21 would be about 8.5m from its closest rear corner, and about 10.5m from the furthest rear corner of the host property. Whilst the rear elevation would not project beyond the flank wall of No 21, the proximity of the dwellings, combined with the two storey height would result in an unacceptably poor outlook for the occupiers of the donor dwelling from the rear windows and from within the rear garden itself, with an oppressive sense of enclosure, to the detriment of their living conditions. This would be compounded by the relatively small size of the garden.
 4. The appellant contends that the occupiers of No 21 would retain clear views down their rear garden towards the north east, but this would not be sufficient to overcome the harm that would be caused by the location of the proposed dwellings.
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5. For these reasons I conclude that the proposal would cause harm to the living conditions of neighbouring occupiers by reason of an unacceptable loss of outlook. It would be contrary to policies SADM3 and SADM31 of the Site Allocations and Development Management Policies Plan (SADM) (2015), and Part D of the Council's Planning and Design Guide (2013). These seek, amongst other things, to safeguard the amenity of neighbouring occupiers.

Living conditions of future occupiers of the development

6. The design of the proposed dwellings has been altered slightly to address concerns with the previous scheme, dismissed on appeal¹. The rear amenity spaces of the proposed dwellings have been enlarged and now meet the Council's standard for 2 and 3 bedroom properties². Nevertheless, the close proximity of the rear main wall of No 21 Neville Close to the rear garden of the nearest property, combined with the orientation of the proposed dwelling means that the whole of the rear garden of that property, including the patio area nearest the house would be overlooked from first floor windows in the rear of No 21. Accordingly, although the rear garden would be of a satisfactory size, the quality of the space would be poor as future occupiers would experience a significant loss of privacy when using the space. I have considered whether additional planting along the common boundary would ameliorate this harm, but it would not adequately screen the garden from view, and so the harm identified could not be overcome through the use of conditions.
7. I conclude therefore that the proposal would harm the living conditions of future occupiers by reason of loss of privacy, contrary to policies SADM3 and SADM31 and Part D of the Council's Planning and Design Guide (2013).

Character and appearance

8. No 21 Neville Close is a two storey semi-detached property set in a triangular shaped plot on the corner with Laurel Avenue. The appeal site lies to the rear of No 21 with a frontage to Laurel Avenue. Due to its location near the corner of Neville Close, the site is prominent within the street scene.
9. There would be about 1m separation between the proposed dwellings and the boundary with No 10 Laurel Avenue at first floor level, with a single storey side addition built up to the common boundary. Most other houses on Laurel Avenue, opposite and to the east of the appeal site are terraced properties in blocks of three or four, with garages or side passages in between. As such, spacing between properties is not a particularly strong characteristic on Laurel Avenue. Therefore the proposed separation to the side boundary and approximately 2m gap at first floor level would not be incongruous in the street scene.
10. The pair of semi-detached houses include design features such as hipped roofs chimneys, two storey bay windows to the front elevation and a mono pitch front porch, which reflect those of properties on Laurel Avenue. However, the dwellings would be noticeably smaller than adjacent properties on Laurel Avenue in both height and depth, and would sit within smaller plots. This would result in a cramped appearance and would undermine the regular pattern of development on Laurel Avenue that makes a positive contribution to

¹ APP/N1920/W/15/3130389

² Hertsmere Planning and Design Guide: Part D Guidelines for Development (2013)

local distinctiveness. In this way the appeal proposal would have an adverse impact on the character and appearance of the area.

11. Furthermore, Neville Close contains predominantly semi-detached houses within relatively spacious plots. The proposed dwellings, whilst maintaining a consistent building line along Laurel Avenue, would reduce the garden space at the side of No 21 and therefore erode the spacious character of properties on Neville Close. This would be apparent when travelling along Laurel Avenue from the south towards the appeal site, and would add to the harm that I have identified.
12. For these reasons I conclude that the development would harm the character and appearance of the area, and the proposal would conflict with Policies D21 and H8 of the Hertsmere Local Plan (2003) and CS22 of the Core Strategy (2013), insofar as they seek to ensure development is of a high standard of design consistent with the character of its surroundings.

Conclusion

13. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR