
Appeal Decision

Site visit made on 25 January 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/N1920/D/16/3160684

26 Drayton Road, Borehamwood, Hertfordshire WD6 2XB

- 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, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Jonathan Hart against the decision of Hertsmer Borough Council.
 - The application Ref 16/1699/PD42, dated 23 August 2016, was refused by notice dated 11 October 2016.
 - The development proposed is a single storey infill extension.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. Whilst I note that the appellant has raised concerns regarding the manner in which the application was dealt with by the Council, this is not a matter for my deliberations in this appeal.

Reasons

4. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse. Until 30 May 2019, Paragraph A.1(g) of that Class makes provision, subject to conditions, for single storey rear extensions to terraced dwellings up to 6m in length and 4m in height.
 5. Having notified neighbouring occupants of the proposed development, an objection was received by the Council from the resident of No 28 Drayton Road, resulting in the need for the Council's prior approval in respect of the amenity of neighbouring premises; this was refused.
-

6. Both the appeal site and neighbouring property at No 28 have two storey additions projecting from the main rear elevation of the respective dwellings, as is common with traditional terraced properties of this type. No 28 has a rear facing ground floor window situated between the rear additions.
7. Because of the proximity between the projecting rear additions and the extent of their projection, the aforementioned rear window in No 28 would already be compromised to a degree in terms the availability of daylight and openness of outlook.
8. The Council has referred to the infill extension breaching a line taken at 45 degrees from the nearest edge of this ground floor window, a commonly used rule of thumb to assess impact on daylight and outlook. It is likely that the traditional design of the dwelling means that this standard is already breached. However, evident from the information before me and my visit, the eaves of the proposed extension would exceed the height of the existing boundary wall between the two properties, such that the development would significantly increase the degree of enclosure experienced from the ground floor rear window in No 28.
9. Accordingly, and notwithstanding the presence of existing extensions to the rear of Nos 24 and 26 Drayton Road, this would result in some harm to the amount of daylight entering that rear window. However more significantly, I consider that the increased degree of enclosure would result in an even more restricted outlook which would appear overbearing and in turn would result in more oppressive living conditions for the occupiers of No 28.

Conclusion

10. For the reasons given above I conclude that the proposal would harm the amenity of the neighbouring occupiers of No 28, and that therefore the appeal should be dismissed.

Roy Merrett

INSPECTOR