

Appeal Decision

Site visit made on 24 January 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 7 February 2017

Appeal Ref: APP/B1930/D/16/3162142

8 Penshurst Close, Harpenden, Hertfordshire AL5 3LP

- 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 & Mrs Turner against the decision of St Albans City & District Council.
 - The application Ref 5/16/2581, dated 17 August 2016, was refused by notice dated 7 October 2016.
 - The development proposed is part two-storey, part single storey side extension following demolition of existing detached garage.
-

Decision

1. The appeal is allowed and planning permission is granted for part two-storey, part single storey side extension following demolition of existing detached garage at 8 Penshurst Close, Harpenden, Hertfordshire AL5 3LP. The permission is granted in accordance with the terms of the application, Ref 5/16/2581, dated 17 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall be carried out in accordance with the following approved plans: PL00 Revision E, PL04 Revision F, PL05 Revision F, PL06 Revision F and PL07 Revision F.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The windows to be created in the first floor rear elevation facing towards No 2 Farm Avenue shall be glazed in obscured glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of No 9 Farm Close and No 2 Farm Avenue, with regard to outlook; and whether the proposal would provide adequate living conditions for its occupiers, with regard to the outlook from the master suite.
-

Reasons

3. The appeal property is a single storey detached dwelling in a residential cul-de-sac of similar property types. This proposal is a resubmission following refusal of similar forms of extension (refs 5/2015/0021 and 5/2015/3225). While I note these earlier applications, this appeal involves a separate development proposal which I have considered on its own merits.

Living conditions - No 9 Farm Close and No 2 Farm Avenue

4. The single storey properties on Penshurst Close are surrounded by predominantly two storey dwellings, the nearest being those on Farm Close and Farm Avenue. No 9 Farm Close shares a side boundary with the appeal property. The different positions and orientation of the properties means that the largest, two storey element will be the most distant part of the extended dwelling from No 9's rear elevation. The degree of separation will ensure that views of this largest part of the extension, positioned just beyond the end of No 9's back garden, are not overbearing or dominant from the rear windows of this neighbouring dwelling or from its garden. The other changes are of more limited scale and, while they will be visible, will not be of such height, bulk and proximity to result in unacceptable harm to the neighbours' reasonable enjoyment of their home and garden.
5. The rear garden boundary of No 2 Farm Avenue is shared with the appeal property's side boundary at the northern end of its curtilage. Consequently, the two storey extension to replace the garage would face directly towards the rear garden and elevation of this neighbouring dwelling. The position of the extended dwelling relative to No 2 would not of itself be unusual in this type of suburban setting. Indeed, to illustrate this the side elevation of No 9 Farm Close is directly adjacent to the garden of the appeal property. Despite the direct views of the extension that would be possible from No 2's rear windows, the size of its garden will maintain a sufficient degree of separation to avoid any unduly harmful effects.
6. The two-storey extension would be more apparent from positions closer to it in No 2's garden. However, the upper storey would be set further away from the boundary than the ground floor (and current position of the garage); the half hip roof design would help to reduce the sense of additional bulk and mass; and the tree close to the boundary in No 2's garden will provide some screening. As such, the position and scale of the extension will not result in material harm to the views from the neighbouring garden.
7. Accordingly, I conclude, for the reasons given that the proposal would not have an unacceptably harmful effect on the living conditions of the occupiers of No 9 Farm Close and No 2 Farm Avenue, with regard to outlook. As such, there is no conflict with Policy 72 of the St Albans District Local Plan Review 1994 (the Local Plan), which concerns residential extensions, including that the amenity of adjoining properties shall not be unacceptably harmed.

Living conditions – appeal property

8. The outlook from the master suite on the first floor would be by way of two high level windows in the northern elevation. I accept that these would not allow for direct views out of the room. They would, however, provide a view, even if only

of the skyline, and in combination with the proposed velux windows would provide an acceptable level of fenestration for the size of room. This would result in a relatively light and airy room and despite the lack of direct outlook would not cause material harm to the occupiers of a room which is intended to be used principally for sleeping.

9. Therefore, for these reasons, I conclude that the proposal would provide adequate living conditions for its occupiers, with regard to the outlook from the master suite. Consequently, in this regard the proposal is not contrary to Policy 72 of the Local Plan, as already described.

Other Matters

10. I have had regard to a number of other matters raised by interested parties. The degree of separation between No 8 and properties to the north on Luton Road, particularly No 327, means that the two storey extension will not be a dominant feature from views from these properties or their gardens. Furthermore, the high level first floor windows to the master suite will avoid any loss of privacy.
11. While all the properties on Penshurst Close are single storey, No 1 opposite No 8 has a two storey element in the same position as the current proposal. This change would, therefore, reflect an existing characteristic of the surrounding area and create a degree of symmetry between the appearance of properties. There is no basis to suggest that the extension will lead to a loss of views of open countryside, as No 8 is surrounded by development. Therefore, while I have had regard to all these matters, for the reasons given they do not lead me to reach a different overall conclusion.

Conditions and overall conclusion

12. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area. I agree that the rear-facing first floor windows should include obscured glazing to protect the privacy of occupiers of No 2 Farm Avenue directly opposite.
13. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should succeed.

J Bell-Williamson

INSPECTOR