

Appeal Decision

Site visit made on 7 March 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 9th March 2017

Appeal Ref: APP/B1930/D/16/3161472
61 Waverley Road, St Albans, AL3 5PH

- 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 Matt Moule against the decision of St Albans City & District Council.
 - The application Ref 5/16/2006, dated 28 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is second storey rear extension (ground floor approved).
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Decision

1. The appeal is allowed and planning permission is granted for second storey rear extension (ground floor approved) at 61 Waverley Road, St Albans, AL3 5PH in accordance with the terms of the application Ref 5/16/2006, dated 28 June 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) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and drawings numbered 15/02, 15/03, 15/04 & 16/05.
 - 3) Materials to be used in the construction of the external surfaces of the extension hereby approved shall match those used in the existing building.
 - 4) Notwithstanding the provisions of Condition no.2 above and the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted above ground floor level into the side wall of the extension hereby approved towards no.76 Normandy Road.

Procedural Matter

2. The site visit was arranged on an "access required" basis. In the event, no one answered the door when I called. However, the side gate was propped open, and I was able to enter to view the rear of the property. Consequently I consider that I was able to see all I needed in order to proceed to a decision.
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Main Issues

3. I consider that these are the effects of the proposal on firstly, the character and appearance of the building and its plot; and secondly, the living conditions of the occupiers of no.76 Normandy Road, with regard to overbearing impact and loss of light and outlook.

Reasons

4. The appeal property is situated at the junction of Normandy Road with Waverley Road. The front face aligns with houses to the south along Normandy Road, while the side wall follows the building line in Waverley Road. The plot is of similar size to those of other detached houses in the vicinity. However, in order to reflect local building lines, the building was sited towards the rear, southerly corner of its garden. This relationship has been exacerbated by an existing 2 storey rear extension, to which the proposal would add further.

First main issue – effect on character and appearance

5. The proposed first floor extension would take the existing extension out to a new hip end, with lowered ridge and eaves lines. The Council has not objected to the form or design of the extension as such. I agree, and subject to the imposition of a condition to ensure the use of matching materials, I consider that the ensuing building would be of a satisfactory form and appearance.
6. However, the extension would mean that the side wall towards no.76 would have roughly doubled in length, compared to the original house. The house is already close to the common boundary with no.76, and it would be brought similarly close to that with no.59 Waverley Road to the rear. The impression of proximity would be increased by the steep rise in ground levels behind. I understand that it is this combination of circumstances that gives rise to the Council's objection on the grounds of a cramped appearance, representing over development. However, this relationship would only be observed from within the site and the next door properties. It would not be evident in the street scene. Moreover, the appeal property would retain a good sized and secluded side garden, as well as an open front garden. Existing building lines towards the public highways would be unchanged. Thus overall, I consider that the house as enlarged at first floor level would not appear unduly cramped, nor would over development result.
7. I conclude that the proposal would not detract materially from the character and appearance of the building and its plot. There would be no conflict with provisions in Policies 69 & 72 of the St Albans District Local Plan Review (1994). Among other things, these policies require a high standard of design with regard to such matters as context, scale and character, compatibility with the original building, space around it and materials. Design expectations in the National Planning Policy Framework would be met.

Second main issue – effect on living conditions

8. No.76 Normandy Road also has an existing two storey rear extension. It is as close to the common boundary as the appeal proposal. It projects beyond the existing rear wall of no.61 by about the same amount the proposal would project beyond it. There are no windows in the side wall of no.76 towards the

appeal site, and I estimate that little of appeal proposal could be seen from within the nearest rear windows of no.76. As the proposal would extend only a short distance beyond the line of the existing rear wall of no.76, I consider that there would be no significant effect on outlook and no overbearing impact. The proposal would be north of the neighbour's property, which also has a long rear garden, and very little loss of light would occur.

9. The appellant has suggested a planning condition to prevent the installation of windows in the flank walls, to prevent overlooking. I agree that this is necessary towards no.76, to prevent overlooking and subsequent loss of privacy to the rear of that property. I shall impose a condition to that effect. Such a window appears to be shown on the proposed first floor plan (15/04), though not on the proposed elevation.
10. Towards the north, because of rising ground levels, the proposal would be roughly on a level with the ground floor accommodation at no.59 Waverley Road. I consider that no significant harm would arise in this direction either, where outlook over the rear garden would be unimpeded.
11. I conclude that the proposal would not detract materially from the living conditions of the occupiers of no.76 Normandy Road, with regard to overbearing impact and loss of light and outlook. There would be no conflict with Policy 72, which seeks to avoid unacceptable harm to the light, privacy or amenity of adjoining property, or intrusion into a 45 degree visibility zone of a neighbour's ground floor windows. A good standard of amenity would be secured for existing and future occupants, as required by the Framework.

Overall conclusion

12. I have found no significant harm with respect to either main issue. Planning conditions are necessary with respect to materials, to secure a satisfactory appearance, and to prevent overlooking, in the interests of acceptable living conditions next door. In addition, I have imposed a condition specifying the relevant drawings as this provides certainty.
13. Subject to these conditions, there is therefore no reason to withhold planning permission. I allow the appeal.

G Garnham

INSPECTOR