

Appeal Decision

Site visit made on 6 March 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 22nd March 2017

Appeal Ref: APP/J1915/D/17/3167327

41 West Street, Hertford SG13 8EZ

- 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 Dr C & Dr F Gripton against the decision of East Herts Council.
 - The application Ref 3/16/2339/HH, dated 17 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 39 West Street with regard to light and outlook.

Reasons

3. The proposal would result in a small side extension with a lean to roof. Although it would be a relatively modest addition and has been designed to respect the materials and simple detailing of the rear of the house, it would result in a high wall on the boundary.
 4. The proposed wall would be within about 1.5 metres of the neighbours side facing kitchen window. The kitchen borrows light through the glass door of the utility room but the side facing window provides the only real outlook. This outlook is already constrained because of the garden fence and the two-storey rear element of the neighbouring property. The proposed wall would be an extremely dominant new feature that would be overbearing when near the window in the kitchen.
 5. I appreciate that in some circumstances a kitchen may not be considered in the same light as a main habitable room. I also acknowledge that the outlook is already constrained and could be further constrained if a 2 metres high boundary fence were to be erected. However, even small negative changes to a room with an already limited outlook can have a proportionately greater impact. This would be the case in this situation and I consider that even the limited greater height above a 2 metres high fence would result in unacceptable harm to the neighbouring residents as a result of a reduction in their outlook from the kitchen.
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6. The situation with regard to the dining room is slightly different as although the outlook is constrained by the kitchen wall, the garden fence and to some extent the rear element of the neighbouring property, it has an uninterrupted outlook directly to the rear. The proposal would reduce the outlook over the fence of the neighbouring property but I consider that this difference, particularly if a 2 metres high boundary were to be considered, would not materially alter the living conditions within that room with regard to outlook.
7. Concerns have been raised with regard to light and direct sunlight. The rear of the property benefits from a south-eastern aspect. Light and direct sunlight to the kitchen and dining room are constrained by the existing buildings. The appellants have provided a daylight and sunlight study. This is based on plans with a reference number that does not match those before me but I have no reason to believe that the study findings do not reflect the development proposed. The figures demonstrate that the kitchen and dining room have a relatively low vertical sky component and limited direct sunlight to their windows.
8. Some changes would undoubtedly occur and these may be noticeable to the residents, particularly with regard to direct sunlight at specific times. The relatively small amount of change is confirmed to some extent by the figures, although as with the considerations with regard to outlook, a percentage drop can be more noticeable when light levels and direct sunlight are already limited. However, I am not satisfied that the changes would be sufficient to materially harm the living conditions of the residents when within those rooms with regard to light or direct sunlight.
9. Overall, I am not satisfied that the changes with regard to light and direct sunlight would be unacceptably harmful but they would not be a positive feature of the development. The reduction in outlook would however be unacceptable in relation to the kitchen and would be contrary to Policies ENV1(d) and ENV5 of the East Herts Local Plan Second Review 2007 as the extension would fail to respect the amenities of the neighbouring residents. I acknowledge the appellants' view that Policy ENV1(d) refers to daylight, sunlight, privacy and overshadowing but I do not consider that this prevents an assessment with regard to outlook given that the policy also requires respect for the amenity of occupiers of neighbouring buildings. As these policies generally accord with the amenity requirements of the *National Planning Policy Framework*, I afford them considerable weight.
10. I accept that outside of a conservation area, permission would not be required for such an extension. However, I do not consider that this suggests that the amenities of residents should not be fully considered when a planning application is required.
11. Although not raised as a concern by the Council, this terrace has been identified as making an important architectural or historic contribution to the Hertford Conservation Area. I am required to assess whether the proposal would preserve or enhance the character or appearance of the conservation area; and to come to a balanced judgement with regard to the scale of any harm or loss of significance to this non-designated heritage asset.

12. The proposal would have no significant impact on the wider appearance of the conservation area. The historic form of these properties is however important and contributes to the overall character and significance of both the dwelling and the wider conservation area. The historic form of the building would remain entirely legible and the new works would be of a good quality design and of complementary materials. The works would have a neutral impact on the appearance of the conservation area and would not result in harm to its significance or that of the dwelling. I conclude that the works would preserve the character and appearance of the conservation area and would not result in harm to the non-designated heritage asset. The proposal would therefore satisfy the duties set out within the legislation and meet the heritage requirements of the *Framework*.
13. I have considered all the matters put forward by the appellants but I do not consider that they are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR