

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/17/3167238

38 Westmill Road, Ware SG12 0EL

- 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 B Boehmer against the decision of East Herts Council.
 - The application Ref 3/16/2368/HH, dated 20 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is a double storey rear extension and roof conversion incorporating a raised roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 12 Richmond Close with regard to outlook and privacy.

Reasons

3. The proposal would result in the infilling of the corner to the rear of this dwelling and the raising of the roof to accommodate first floor bedrooms. The dwelling is set well back from the road and is screened from public views by trees and other housing. The existing bungalow is of most design quality and the proposed changes in proportions would result in an improvement to its appearance. It would not detract from the character or appearance of the area and would satisfy the design requirements of Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review 2007 (LP).
 4. The development would be very close to the rear boundary of 12 Richmond Close. The existing house is already imposing because of the proximity of its roof to the fence and the changes in levels. It already dominates the rear garden of the adjacent property and limits the outlook from the rear windows, despite the depth of the garden. The proposal would increase the height of the eaves, which in itself, would increase the dominance of the built form as experienced by the neighbouring residents. The larger and higher roof, although sloping away, would add to this concern.
 5. The proposal would unacceptably harm the living conditions of the residents of 12 Richmond Close with regard to the loss of outlook from their ground floor
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rear facing rooms and their garden and it would therefore be contrary to the amenity requirements of LP Policies ENV1(d) and ENV5 as it would fail to respect the amenities of the neighbouring residents. I acknowledge the appellant's 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 it also requires respect for the amenity of occupiers of neighbouring buildings.

6. Concerns have also been raised by neighbouring residents with regard to overlooking. The roof lights within bedroom 4 would allow views from a very close distance into the garden of number 12. This would unacceptably harm the living conditions of those residents with regard to privacy. As these are the only windows to that room, it would not be practical to have them obscure glazed. This adds to my main concerns. There would also be views from the large central rear facing first floor window and Juliet balcony towards the gardens of other Richmond Close properties. There is some vegetation that would help to provide a screen and views would be from an angle. However, this relationship, given the nature of the window, is not a positive feature of the design.
7. Overall, the proposal would improve the appearance of the dwelling. It would however, also result in unacceptable harm to the living conditions of the residents of 12 Richmond Close. The policies that seek to protect the amenities of the neighbouring residents generally accord with the requirements of the *National Planning Policy Framework* and can be afforded considerable weight. I have considered all the matters put forward by the appellant and I have also had regard to the views of Ware Town Council. However, I do not consider that these matters or the benefits to the design are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR