

Appeal Decision

Site visit made on 23 March 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 27 March 2017

Appeal Ref: APP/B1930/D/17/3168356
72 Beechwood Avenue, St Albans AL1 4XZ

- 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 Ross Nevin against the decision of St Albans City & District Council.
 - The application Ref: 5/16/2775 dated 11 September 2016, was refused by notice dated 7 November 2016.
 - The development proposed is first floor rear infill extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the neighbours at No 70 Beechwood Avenue, with particular regard to loss of outlook and loss of light.

Reasons

3. The appeal property is a semi-detached dwelling within a predominantly residential area, mainly comprising semi-detached dwellings from a similar period but of differing detailed designs. The property has been previously extended.
 4. The proposed rear extension would be no deeper than the existing first floor rear extension but would bring built development at first floor level closer to the common boundary with the adjoining 'half' of the semi-detached pair, at No 70.
 5. I agree with the Appellant that given the depth of the neighbouring existing rear single storey extension, the proposal would not affect the outlook or light to that ground floor accommodation. However, this neighbouring property also has rear facing windows at first floor level, and the one closest to the common boundary would appear to serve a bedroom, a habitable room. Although the extension would be set in from the boundary with No 70, I consider that the combined effect of the proposed depth and height of the solid brick wall closest to the neighbouring property would be overbearing and would have an
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uncomfortable enclosing effect and as a result materially harm the outlook from the window serving the bedroom.

6. Although there is very limited information before me, I consider that the relationship between the proposed extension and the window serving the neighbours' bedroom closest to the common boundary would also result in an adverse effect on the light to that room.
7. I therefore conclude that the proposed development would harm the living conditions of the neighbours at the adjoining property, with particular regard to loss of outlook and loss of light. This would conflict with Policies 69 (i) and 72 (v) of the St Albans District Local Plan 1994 (Local Plan) and the National Planning Policy Framework, all of which seek a high quality of design which respects the amenities of existing and future occupiers. The Council's decision also refers to Policy 72 (ix) of the Local Plan but this specifically refers to the impact on ground floor windows of neighbouring properties as well as privacy and there would be no conflict with either criterion.
8. I have noted that planning permission was previously granted on appeal for a rear extension under Reference: APP/B1930/D/13/2196815, as well as a similar extension at the neighbouring property (No 70), although I understand that they were both subject to a planning obligation that neither extension would be undertaken on its own. The proposal now before me only relates to the appeal property.
9. The Appellant has drawn my attention to a number of properties in the local area where two storey rear extensions to semi-detached properties have been built. Each proposal must be judged on its individual planning merits but I have nonetheless taken these other examples into account in my consideration of this appeal. However, on the basis of the information submitted, it is not clear to me that these other examples are directly comparable with the proposal before me. Furthermore, given the harm I have concluded in this case, these other examples do not persuade me to reach a different view.
10. I agree with the Appellant that, given its siting at the rear, the extension would not harm the street scene. The Council has also not raised an objection in this regard. The Appellant has referred to other improvements he would wish to make to the elevations as part of the proposed works, but there is nothing before me to suggest that these works would require the rear extension to be undertaken. Moreover, these benefits would not outweigh the harm I have concluded.
11. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR