
Appeal Decision

Site visit made on 24 April 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/P1940/D/17/3168810

14 Moor Lane, Rickmansworth, Hertfordshire WD3 1LG

- 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 Ms Linda Schonthal against the decision of Three Rivers District Council.
 - The application Ref 16/2112/FUL was refused by notice dated 17 January 2017.
 - The development proposed is a two-storey rear extension.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be the effect of the proposal on the living conditions of occupiers of 12 Moor Lane, with particular reference to visual impact and sunlight.

Reasons

Living Conditions

3. The proposal includes the demolition of the existing conservatory and the erection of a two-storey rear extension. This would be flush with the existing rear elevation to the property, with a hipped roof and would be situated close to the side boundary with the dwelling at 12 Moor Lane. That dwelling has single-storey residential accommodation close to the side boundary and a sitting out area directly to the rear of that dwelling. The proposed rear extension would extend beyond the rear building line of both the two-storey and single-storey parts of the property at 12 Moor Lane.
 4. The existing conservatory is a light weight predominately glazed structure. In contrast, the proposed rear extension would have a two-storey brick wall close to the side boundary. The proposed rear extension would breach the 45 degree line for the neighbouring dwelling at 12 Moor Lane. Whilst this line is already breached by existing development, the resultant breach would be significantly greater.
 5. Due to the depth, close proximity, height and design of the proposed rear extension, I consider that it would appear as an over dominant oppressive
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addition, particularly when viewed from within the single-storey part of the property at 12 Moor Lane and from their sitting out area. In addition, for the same reasons, it would unacceptably restrict the amount of daylight received into that part of the property, making it a significantly less pleasant property to live in. This would be to the detriment of the living conditions of occupiers of 12 Moor Lane.

Green Belt

6. The appeal site is situated within the Green Belt. The Council has not raised concern regarding the effect of the proposal on the openness of the Green Belt and has not suggested that the proposal would constitute inappropriate development within the Green Belt. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework. One exception is where the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building.
7. From my observations, the proposal would not constitute a disproportionate addition over and above the size of the original building. Whilst the proposal would have some effect on openness, bearing in mind that it is not inappropriate development, I am satisfied that significant or material harm to the Green Belt would not be caused by the proposal. Nevertheless, in the light of the harm I have identified above, this does not justify allowing the appeal.

Conclusion

8. For the above reasons and having taken into consideration all matters raised, I conclude that the proposal would have an adverse impact on the living conditions of neighbours. This would be contrary to Policy CP12 in the Three Rivers District Council's Core Strategy (2011) and Policy DM1 and Appendix 2 in the Council's Development Management Policies (2013) where they seek to protect residential amenity.
9. As Core Strategy Policy CP12 precedes the National Planning Policy Framework, it is necessary for me to determine whether this policy is in accordance with the Framework. I consider that this policy is broadly in accordance with the Framework as far as it meets the Framework's core principles; particularly that planning should be seeking to ensure high quality design.

J L Cheesley

INSPECTOR