

Appeal Decision

Site visit made on 4 May 2017

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 2 June 2017

Appeal Ref: APP/N1920/D/17/3170306
15 Willow Way, Radlett, WD7 8DU

- 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 A Appleby against the decision of Hertsmere Borough Council.
 - The application Ref: 16/2244/HSE was refused by notice dated 12 January 2017.
 - The development proposed is: two storey rear and single storey rear extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbours at No.17 Willow Way in respect of outlook, received daylight and sunlight.

Preliminary Matter

3. I also inspected the proposal from No.17 Willow Way on 31 May 2017, further to a request from the Council.

Reasons

4. No.15 Willow Way is a two storey semi-detached house located within a residential area. The neighbouring dwelling of No.17 Willow Way has a rear conservatory which is set back slightly from the boundary with No.15.
5. The boundary between the rear garden of the appeal site and the rear garden of No.17 Willow Way consists of a timber screen fence and vegetation, with a pergola next to the fence. No.17 has a ground floor window serving a kitchen/diner in its flank wall. The boundary fence restricts the outlook from the lower part of the kitchen window and will also cause some overshadowing of the window.
6. The proposed rear extension would project at ground floor level from the rear wall of No.15 by around 4 m. The first-floor rear extension would project by a lesser distance of approximately 3.3 m. The separation distance between the flank wall of the proposed rear extension and the flank wall of No.17 would be around 2.47 m.
7. The proposed rear extension would cause increased loss of outlook and an increased loss of daylight to the kitchen window of No.17 because of the height and proximity of the proposed two storey part of the rear extension. There

would also be an increased loss of sunlight to the conservatory of No.17 at the latter part of the day. The outlook from the kitchen window allows an angled view of the sky above the rear of the neighbouring properties which would be blocked by the proposed extension, even though there would be a set-back in the extension at first floor level of around 0.7 m.

8. The appellant has advised that the kitchen of No.17 also receives daylight via the conservatory and an internal glazed door. However, despite this, it was clear from my site visit that the proposed extension would unacceptably restrict light levels in the kitchen/diner of No.17. Daylight from the window was illuminating the immediate work surface and sink. However, the received lighting level within the kitchen/diner of No.17 was low, even at the latter part of the day when there was received sunlight and despite the presence of the glazed door to the conservatory. It was clear to me that electric lighting would already be necessary in the kitchen/diner on a regular basis.
9. The appellant submits that Part E of the Council's *Planning and Design Guide 2006* clearly states that "flank windows will not normally be taken into consideration". It is the appellant's understanding that the Building Research Establishment Guidance only requires the assessment of main windows to rooms that face within 90 degrees of due south. That is not the situation for either the side or the rear windows to the kitchen which are both within 90 degrees of due north. On that basis, the appellant considers that the windows do not need to be assessed as they have "no expectation of sunlight". Although that is the case, there would still be a significant increased loss of daylight to the kitchen window of No.17 and increased loss of outlook.
10. I find that the proposal would conflict with policy SADM30 of Hertsmer Local Plan Site Allocations and Development Management Policies Plan which, amongst other things, seeks to ensure that proposals have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution. It would also conflict with a core planning principle of the National Planning Policy Framework of ensuring a good standard of amenity for all existing and future occupants of land and buildings.

Other Considerations

11. The appellant has drawn my attention to extensions allowed at Nos.27, 29 and 31 Willow Way, which face windows on an opposing flank wall. The properties have similar house styles to No.15 Willow Way. However, the development involved and their particular site circumstances differ from those before me in this appeal. I have determined this appeal based on the individual merits of the proposal, having regard to relevant development plan policies and all other material considerations.

Conclusion

12. I have taken all other matters raised into account. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR