The Planning Inspectorate

Appeal Decision

Site visit made on 12 June 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 14th June 2017

Appeal Ref: APP/B1930/D/17/3173813
20 College Road, St Albans AL1 5ND

- 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 and Mrs Laybourne against the decision of St Albans City and District Council.
- The application Ref 5/16/3199 was refused by notice dated 20 January 2017.
- The development proposed is a single storey side extension at the rear of the property and a new velux rooflight to the front elevation porch roof.

Decision

1. The appeal is dismissed insofar as it concerns the single storey side extension at the rear of the property.

2. The appeal is allowed and planning permission is granted for a new velux rooflight to the front elevation porch roof, at 20 College Road, St Albans AL1 5ND, in accordance with the terms of the application, Ref 5/16/3199, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the velux rooflight hereby permitted: 135/COLL/010, 135/COLL/030, 135/COLL/111 and 135/COLL/131.

Main issue

3. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent flat at 1 Dane Court, having regard to whether the extension would appear overbearing.

Reasons

4. The appeal concerns a dwelling that is next to a ground floor flat in the adjacent building at Dane Court. The neighbouring accommodation has a window that is fairly close to the side boundary and the Council indicates that this serves a habitable room. The extension would be stepped back to form a courtyard with a depth of about a metre projecting beyond the rear wall of the adjacent building.

5. However, the addition would extend approximately 3.9m beyond this and alongside the boundary. Moreover, I saw at my site visit that its height at the boundary would be significantly greater than the fence despite sloping down towards it. The fence is noticeably below the top of the window while the addition would be above it. Together with the undue proximity to the window and the depth of the addition, I consider that the height would result in an unpleasant and oppressive sense of enclosure.

6. There is a trellis and some vegetation rising above the fence but these have an appreciable degree of transparency and do not have the harsh and solid appearance that the flank wall would have. As a result of the above factors, the proposed extension would appear overbearing, with the living conditions of the adjacent occupiers being harmed.

7. City and District of St Albans District Local Plan Review Policy 72 seeks to ensure that extensions conform to a number of policies and principles. These include (v), which aims to prevent unacceptable harm to amenity at adjoining properties and (viii) that single storey rear extensions should not normally extend more than 3m rearwards along a party boundary. Because of the unacceptable harm that would arise and the depth significantly exceeding 3m there would be conflict with this policy.

8. Policy 72 has been saved and the plan is fairly old but age is not an indication that a policy is necessarily out of date. It is a core principle of the National Planning Policy Framework (The Framework) that planning should always seek to secure a good standard of amenity for existing occupants of buildings. The policy is therefore consistent with the Framework and should be accorded full weight.

9. The report submitted with the application shows that there would be no significant effect on light levels. However, the acceptability in this regard and in relation to the sloping roof design does not weigh positively against the harm that would arise in respect of enclosure and the resultant overbearing effect. There have been no objections from neighbours but this is not a matter that, in itself, confers acceptability and I must consider the appeal on its own merits.

10. The Appellant points out that there is a fall-back position and indicates that two Certificates of Lawfulness and a Prior Approval for single storey extensions have been obtained. The information provided shows that these comprise two different schemes. It is suggested that in obtaining these consents the intent to carry out such works in the event of the appeal failing has been demonstrated.

11. However, it is not clear which of the two different schemes would be implemented. The existence of the two projects and the failure to identify which would be carried out in the event of the appeal failing seems to me to cast significant doubt over their desirability to the Appellants. I am not therefore persuaded that there is a significant likelihood of an alternative scheme being implemented in the event of this appeal being dismissed.

12. Moreover, one of these schemes would be set back from the boundary and have a lesser effect on outlook. Given the above factors and despite their less attractive flat roof form and 3m height, I do not consider that this matter should be afforded significant weight.

13. In deciding this matter I have carefully considered the previous appeal decision concerning a single storey extension at the appeal site which was dismissed

(Ref APP/B1930/D/15/3139010). I acknowledge the attempt to address this decision by factors such as the reduced height and the courtyard but for the reasons given I find the scheme would harm living conditions. Taking account of all other matters raised, it is therefore determined that the appeal fails in respect of the single storey extension.

14. The Council has raised no objections to the rooflight and I see no reason to take a different view. As this can be implemented independently of the extension a split decision is appropriate and this part of the appeal scheme is allowed. A condition specifying the approved plans is needed to provide certainty.

M Evans

INSPECTOR