
Appeal Decision

Site visit made on 11 July 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 14th July 2017

Appeal Ref: APP/N1920/W/17/3169705

74 Allerton Road, Borehamwood, Hertfordshire WD6 4AG

- 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 Miss Susan Eglinton against the decision of Hertsmere Borough Council.
 - The application Ref 16/1744/FUL, dated 31 August 2016, was refused by notice dated 25 November 2016.
 - The development proposed is to replace an existing shed (5 x 7.3 ft) with a for like style longer shed with toughened windows (7 x 12 ft).
-

Decision

1. The appeal is allowed and planning permission is granted to replace an existing shed (5 x 7.3 ft) with a for like style longer shed with toughened windows (7 x 12 ft) at 74 Allerton Road, Borehamwood, Hertfordshire WD6 4AG in accordance with the terms of the application, Ref 16/1744/FUL, dated 31 August 2016, and the plans submitted with it, subject to the following condition.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Main Issues

2. The main issues are the effects of the shed on the living conditions of neighbouring occupiers, with particular regard to outlook, and on the character and appearance of the area.

Reasons

Living conditions

3. The shed would replace an existing a smaller one within a small area of private garden land situated opposite the path that runs along the rear of a three-storey block of flats which fronts Allerton Road. This new shed would be sited opposite an entrance to the flats with stairwell windows above. Windows in the ground-floor flat located immediately to the east of this entrance, and potentially most affected by this proposal, comprise successively a frosted glazed bathroom window, a very narrow profile window and a three-section kitchen window.
4. Although larger than the shed it replaces the new structure would not be in a position or of such a size as to deprive light from, or over-shadow, any of the adjacent flat windows. The main view would be at an oblique angle from the

nearest kitchen window where the new shed, whilst visible, would not have a harmfully overbearing visual impact. There would be no material harm arising from this proposal to the living conditions of the occupier of the nearest ground floor flat. Neither would there be any material harm to the living conditions of the occupiers of any of the nearest upper floor flats in respect of their outlook when looking down on the new shed.

5. Consequently, this proposal would have a limited impact on the amenity of neighbours in terms of outlook and light and comply with Policy SADM30 of the Council's Site Allocations and Development Management Policies Plan of November 2016 (DMP). This development would also satisfy the core planning principle of the National Planning Policy Framework (the Framework) to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

6. The small area of garden, with its fruit trees and weathered sheds, provides a pleasant enclave of private space which compares favourably with other areas, some of which are either untidy and appear to have been recently cleared. Whilst the larger new shed would initially appear quite stark it would similarly weather in time and result in no material harm to the overall visual quality of this locality. It would permit the appellant to continue tending the remaining area of small garden and pursue hobbies and not be of an excessive size such as to cause undue clutter within this relatively enclosed part of the estate or be visually harmful.
7. I am not persuaded this proposal would offend the objectives of Policy CS22 of the Council's Core Strategy of January 2013 to ensure the creation of attractive and usable places and for development proposals to take advantage of opportunities to improve the character and quality of an area. The proposed shed would respect the visual amenity of the area in compliance with DMP Policy SADM30 and I find there would be no material harm to the character and appearance of this part of the residential estate. These policies are consistent with those of the Framework and this proposal would not conflict with its principles to always seek to secure high quality design and to take account of the different roles and character and different areas.

Conclusion

8. I have paid particular regard to the concerns expressed by interested parties living nearby to this proposal. However, for the reasons set out I do not consider the replacement shed would result in material harm to the living conditions of neighbouring occupiers or to the character and appearance of the area. Therefore, subject to a condition setting the standard time limit for commencement, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR