

Appeal Decision

Site visit made on 4 July 2017

by J A B Gresty MA MRICS

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

Decision date: 17 July 2017

Appeal Ref: APP/P1940/D/17/3174333
18 Nightingale Road, Rickmansworth WD3 7DF

- 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 Kelly against the decision of Three Rivers District Council.
 - The application Ref 17/0067/FUL, dated 22 December 2016, was refused by notice dated 24 January 2017.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues in this case. Firstly is the effect of the proposed development on the character and appearance of the Nightingale Road Conservation Area and, secondly, whether the development would be harmful to the living conditions of the occupiers of the adjoining property with respect to outlook and loss of light.

Reasons

Character & Appearance

3. The appeal property is an attractive, two-storey, semi-detached house dating from about the early 1900s. This part of Nightingale Road is predominantly residential and forms part of the Nightingale Road Conservation Area which is characterised by detached and semi-detached houses of generally similar style and age to the appeal property.
 4. The appeal proposal is for a single-story extension which would wrap around the end and one side of the appeal property's two-storey rear projection. It would extend about 3 metres from the back wall of the rear projection and more or less infill the narrow yard area between the side of the rear projection and the boundary fence of the adjoining property, 20 Nightingale Road. The extension would span almost the whole of the rear elevation of the house and the ridge of the pitched roof would be above the level of the sill of the first floor window in the rear elevation of the two-storey projection. The resulting slope of the roof would cut across the bottom corner of this window, which would look awkward and ill-fitting, detracting from the design and balanced proportions of
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the window which is reflective of the design of the house as a whole. Because of its height, width and design, the extension would appear large, awkward and bulky and would dominate the appearance of the house when viewed from the garden.

5. The top of the mono-pitch section of roof of the side arm of the extension would sit just under the sills of the first floor windows in the side elevation of the house. Whilst this would not detract from the appearance of the windows, because of its height and depth, the roof would appear very large and it would dominate the side of the appeal property when viewed from No 20's back yard.
6. Policy CP12 of the Three Rivers District Council Core Strategy (CS) requires new development to have regard to local context and to conserve or enhance the character and quality of an area and to conserve and enhance heritage assets whilst CS Policy CP1 seeks development which would protect and enhance built and heritage assets. Policy DM3 of the Three Rivers District Council Development Management Policies Local development Document (DMP) indicates that new development in conservation areas will only be permitted where the character and appearance of the area is preserved or enhanced.
7. The rear elevation of the appeal property has a designed appearance which is in keeping and in balance with No 20 adjoining. Whilst the backs of the properties on this part of Nightingale Road are not open to view from the road, and they are not a highlight of the Conservation Area, they are in the main of similar scale and character and, in conjunction with the back gardens, collectively they contribute positively to the character and appearance of this part of the Conservation Area. The proposed development would detract from the character and appearance of the rear of the appeal property and No 20 adjoining with consequential harm to the character and appearance of the Nightingale Road Conservation Area, contrary to CS Policies CP12 and CP1 and DMP Policy DM3.
8. DMP Policy DM1 requires new residential development to satisfy the criteria set out in DMP Appendix 2 which indicates that rear extensions of semi-detached houses should have a maximum depth of 3.6 metres. In this case, although the extension would not project beyond the existing building line of the appeal property by more than about 3 metres, it would be over 12 metres in depth overall. This would contribute to the prominence of the extension when viewed from No 20 and would not accord general thrust of DMP Appendix 2.

Living Conditions

9. The side wall of the extension would stand close to No 20's side boundary. Although the side wall would only be a little taller than the existing boundary fence, the roof would have a ridge height of more than 4 metres and a total depth of over 12 metres. Consequently the extension would be a very prominent feature when viewed from No 20's back yard, the area of garden nearest to the house and the ground floor windows which face onto the yard. The space between No 18's and No 20's the rear projections has an enclosed feel with two-storey buildings on three sides. The height, bulk and prominence of the proposed roof would increase this sense of enclosure to the extent that the extension would be overbearing when viewed from No 20's back yard and nearest ground floor windows. In this respect the proposed development would

be harmful to the living conditions of the occupiers of No 20, contrary to DMP Policy DM1 and CS Policy CP12.

10. The appeal property stands to the south and south-east of No 20 and contributes to the space between the two properties being shaded and relatively dark for much of the day. Because the side wall of the proposed extension would be only a little taller than the existing fencing and the roof would be pitched, the extension would not result in a significant loss of direct sunlight or diffuse natural daylight to No 20's yard, garden or windows. In this respect the living conditions of the occupiers of No 20 would not be harmed unduly.

Other Matters

11. The appellant has referred to recent planning decisions made by the Council concerning residential developments in the area. However, each case must be considered on its own merits and in this case the comparable planning permissions referred to by the appellant do not overcome the harms to the Conservation Area and to the living conditions of the occupiers of No 20 identified above.

Conclusion

12. At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and it should make places better for people. In this case the extension would be out of keeping with the character and appearance of the appeal property, resulting in harm to the character and appearance of the Nightingale Road Conservation Area, and it would result in harm to the living conditions of the occupiers of No 20 as a consequence of overbearing outlook. Accordingly the proposed extension would fail to represent sustainable development as sought by the Framework and, on balance and for the above reasons, I conclude that the appeal should be dismissed.

J A B Gresty

INSPECTOR