

Appeal Decision

Site visit made on 18 July 2017

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 03 August 2017

Appeal Ref: APP/N1920/D/17/3172744

22 Laurel Fields, POTTERS BAR, Hertfordshire, EN6 2BB

- 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 Dr Bindu Nair against the decision of Hertsmere Borough Council.
 - The application Ref. 16/2287/HSE, dated 24 November 2016, was refused by notice dated 24 February 2017.
 - The development proposed is described on the planning application form as 'extension of detached garage to the back well within my property'.
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Decision

1. The appeal is allowed and planning permission is granted for extension of detached garage to the back, at 22 Laurel Fields, POTTERS BAR, Hertfordshire, EN6 2BB in accordance with the terms of the application, Ref. 16/2287/HSE, dated 24 November 2016, 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: location plan; Drawings #1/2016, #2/2016, #3/2016 and #4/2016.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be used until the window in the rear elevation has been fitted with obscured glazing, to level 3 of the range of glass manufactured by Pilkington at the date of this permission or of an equivalent standard, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-opening form shall be retained thereafter.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, subject to the omission or words that do not describe acts of development, I have used the description given on the original application.
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Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the appeal site and the surrounding area, and (2) the living conditions of occupants of 21 Laurel Fields, with particular reference to outlook and enclosure.

Reasons

Character and Appearance

4. The appeal property is located near the entrance to a cul-de-sac of Laurel Fields. There is a detached garage building between the appeal property and the neighbouring house, 21 Laurel Fields (No. 21), which provides a single garage to each of the properties. This garage building has a steeply pitched roof, and as a result it is visible from the main thoroughfare of Laurel Fields to the side, in views over the rear garden of No.21.
5. The proposed extension would be deep relative to the depth of the existing garage. However, it would be reasonably low in height and the flat roof would minimise its visual impact beyond the rear garden of the appeal site. The development would be screened from the cul-de-sac to the front by the existing garage, and would be only glimpsed in views from the main road to the side across the neighbouring garden. The overall depth of the extended building may be perceived, but the effect would be minimised by the separation distance from the road and the intervening boundary fencing and planting. Views from the road would be dominated by the profile of the existing garage block rather than the proposed extension. The extension would not reflect the roof shape of the existing building, as set out in Part E of the Council's Design Guide¹ (PDG), but the flat roof would reduce its bulk and would not be particularly visible.
6. Although the resultant building would be reasonably large in footprint, it would not appear overly dominant relative to the remaining rear garden of the property, nor disproportionate or unsympathetic to the backland area. I share the appellant's view that the rear garden of the appeal property does not appear particularly open, and there is mature planting in this and neighbouring gardens.
7. I therefore conclude that the proposal would not adversely affect the character and appearance of the appeal site and the surrounding area, and would not conflict with the high quality design aims of Policy CS22 of the Council's Core Strategy 2013 and Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016 (SADM).
8. The Council's report does not identify any specific conflict with Part D of the Planning and Design Guide 2016², although it is cited in the reason for refusal. Limited information has been supplied regarding the status of the 2016 draft Guide, but as I have found no clear conflict with its content it does not alter my assessment.

¹ Hertsmere Local Development Framework Supplementary Planning Document 'Planning and Design Guide Part E: Guidelines for Residential Extensions and Alterations', November 2006

² Hertsmere Local Plan Supplementary Planning Document 'Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development' Draft for Executive September 2016

Living Conditions

9. The proposed extension would be constructed alongside the shared boundary with No.21. There is currently little screening between the two gardens behind the existing garages, although a shed and greenhouse behind the garage of No.21 provide a buffer.
10. The proposed extension would introduce a more solid form of enclosure between the two properties than exists at present. However, the intervening garage, shed and greenhouse of No.21 would materially limit the impact of this enclosure on the outlook from the rear garden of that property. The council's report confirms that the development would not result in an undue amenity impact on the main habitable rear windows of No.21, and that the loss of outlook and over dominance would be acceptable in relation to the relevant provisions of the National Planning Policy Framework (the Framework) and Part E of the PDG.
11. I therefore conclude that the proposal would not adversely affect the outlook of, or result in an undue sense of enclosure for, occupants of 21 Laurel Fields, and as such their living conditions would not be materially harmed. This would accord with the aims of Policy SADM30, to ensure that development has a limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings.

Conditions

12. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing building, in order to safeguard the character and appearance of the development and the area. I find it reasonable to restrict the glazing and opening height of the rear-facing window to protect the privacy of neighbouring residents, but given the separation distance I find no such need in respect of the window facing into the appeal site. For clarity, I have modified the suggested wording of the condition.
13. I have not attached the suggested condition seeking to limit independent occupation of the extension, as severance from the main dwelling to provide a self-contained dwelling unit, as stated in the reason for the condition, would require express permission.

Conclusion

14. The Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and for the reasons given above the proposal would comply with this principle and would be sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be allowed.

H Lock

INSPECTOR