

Appeal Decision

Site visit made on 12 October 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 31 October 2017

Appeal Ref: APP/A1910/D/17/3179221

2 The Orchard, Kings Langley, WD4 8JR

- 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 P Wallace against the decision of Dacorum Borough Council.
 - The application Ref 4/00837/17/FHA, dated 31 March 2017, was refused by notice dated 23 May 2017.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Flint Cottage, with regards to outlook and the loss of daylight and sunlight.

Reasons

3. The appeal property is a two storey semi detached dwelling, with an attached single storey garage to the side. It is located in a residential area, characterised by a range of dwellings, including two storey semi detached dwellings and bungalows.
 4. The appeal property, like other houses in the street, is set back from the road behind a front garden and parking area, and has a garden to the rear. Its immediate neighbours to either side comprise the attached dwelling, No 4 The Orchard, and to the other side, Flint Cottage.
 5. Flint Cottage is a bungalow, constructed more recently than the appeal property and located close to the appeal property's side boundary. A path runs immediately adjacent to the side elevation of Flint Cottage alongside the boundary with No 2 and a bedroom window faces towards the side elevation of the appeal property. I observed the appeal property from this bedroom during my site visit.
 6. Whilst the close proximity of the garage attached to the appeal property appears prominently in the outlook from this bedroom, its flat roof and
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relatively low height allow for a reasonably open aspect above and to either side of it.

7. The proposed development would result in the presence of a two storey side elevation very close to this bedroom. In this regard, I find that the proposal would, due to its height and proximity, appear unduly dominant to the extent that it would loom above Flint Cottage to an overbearing degree.
8. Further to the above, I consider that levels of light entering the bedroom would be severely reduced and there is no substantive evidence before me to the contrary.
9. Taking the above into account, I find that the proposed development would harm the living conditions of the occupiers of Flint Cottage with regards to outlook, sunlight and daylight. This would be contrary to the Framework, Dacorum Local Plan (1991) Saved Appendices 3 and 7, and Dacorum Core Strategy (2013) Policy CS12, which together amongst other things, seek to protect residential amenity.

Other Matters

10. In support of their case, the appellants note that, typically, bedrooms are seldom used during the day. However, I am mindful that the bedroom in question currently provides for the only reasonable outlook from this side of Flint Cottage and that the proposed development would result in significant harm to this outlook, hence my decision below.
11. I note that the appellants consider it unfair that they have been “prejudiced from extending” their property in the manner that they would like due to the previous approval of the development of Flint Cottage. However, this does not alter the harm that would arise from the proposed development.

Conclusion

12. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR