

Appeal Decision

Site visit made on 13 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: 1 November 2017

Appeal Ref: APP/N1920/D/17/3179937

11 Christchurch Crescent, Radlett, WD7 8AG

- 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 M Ross against the decision of Hertsmere Borough Council.
 - The application Ref 17/0781/HSE, dated 18 April 2017, was refused by notice dated 28 June 2017.
 - The development proposed is a glass conservatory to side walled patio and first floor rear extension.
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Costs

1. An application for costs was made by Mr and Mrs M Ross against Hertsmere Borough Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed in part and planning permission is granted for a first floor rear extension at 11 Christchurch Crescent, Radlett, WD7 8AG in accordance with the terms of the application, Ref 17/0781/HSE, dated 18 April 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

3. For clarity, permission is only granted for that part of the development referred to under the decision above. The appeal is dismissed in so far as it relates to a glass conservatory to side walled patio.
4. The appeal property is located within the Radlett South Conservation Area. The Council is satisfied that the proposal will not harm local character.
5. The Council has not raised any concerns in respect of that part of the proposal relating to a first floor rear extension. Consequently, the main focus of this decision is the proposed glass conservatory to side walled patio.

Main Issue

6. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of No 9 Christchurch Crescent with regards to outlook.
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Reasons

7. The appeal property is a two storey dwelling. It is located in a residential area characterised by the presence of detached and semi-detached dwellings set back from the road behind parking areas and/or gardens. Like other houses along the street, the appeal property has a garden to the rear, backing on to the rear gardens of houses along Watling Street.
8. Whilst both the appeal property and its neighbour, No 9 Christchurch Crescent, appear as detached dwellings, a wall connected to the side of the appeal property is located along the boundary such that it adjoins the single garage attached to the side of No 9.
9. The topography of the area is such that the appeal property sits higher than No 9 Christchurch Crescent. During my site visit, I observed that the effect of this is particularly noticeable to the rear, where an existing patio area to the appeal property is raised well above the patio area to the rear of No 9. There is a tall wall to the side of the appeal property's patio and I also noted during my site visit that the height of this wall, combined with its raised level, leads to it appearing prominently from the rear of No 9.
10. The proposal would result in this wall being raised. I find that this would result in a structure that would draw the eye and appear unduly dominant, to the point of being overbearing, when seen from that part of No 9's rear garden closest to its rear elevation. Being adjacent to the rear elevation of the property and with direct access to it, it could be expected that this part of the garden has an important role to perform in respect of the occupiers of No 9's enjoyment of their property. Consequently, I find the harm arising from this element of the proposal to be significant.
11. During my site visit I also noted that the patio to the side of the appeal property, due to its height and location, provides for direct views across its rear garden, as well as notable views into and across the rear garden of No 9. When viewing the appeal property from No 9, the patio area appeared widely visible from various locations.
12. Taking the above into account, I find that the proposed conservatory would, as a result of its position and proximity, appear as an unduly dominant feature when seen from the rear garden of No 9, such that it would draw the eye to a significant degree. The harmful impact of this would be exacerbated as a result of the appearance of the conservatory – whereby its flat roof and extensive glazing would comprise an addition that would contrast with the traditional form of the original building. As a consequence, it would dominate the outlook from parts of No 9's rear garden.
13. Whilst I note, in respect of the above, that there is some fencing and planting between the rear gardens of Nos 9 and 11, this only partially obscures views to and from the proposed development and is not so extensive as to prevent harm arising in respect of outlook.
14. Taking all of the above into account, I find that the proposed glass conservatory to side walled patio would harm the living conditions of the occupiers of No 9 Christchurch Crescent, with regards to outlook. This is

contrary to the Framework, Core Strategy¹ Policies SP1 and CS22, Site Allocations and Development Management Plan 2016 Policy SADM30, and Part E of the Council's Planning and Design Guide, which together amongst other things, protect residential amenity.

Other Matters

15. In objection to the proposed development, concerns have been expressed relating to matters of privacy. In this regard, I find that the proposed conservatory would provide for views into the rear garden of No 9 from what would comprise a "commanding" position. Taking this, the close proximity and the glazed nature of the conservatory into account, I find that the proposal would result in some degree of harm to the privacy of the occupiers of No 9. This is a factor that adds weight to my decision below.

Conditions

16. I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plan is necessary for the avoidance of doubt and in the interest of proper planning.
17. A condition controlling materials is necessary to protect local character.

Conclusion

18. For the reasons given above, the appeal succeeds insofar as it relates to a first floor extension, but does not succeed in respect of a glass conservatory to side walled patio.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/N1920/D/17/3179937
11 Christchurch Crescent, Radlett, WD7 8AG**

- 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 a first floor rear extension: 4411-05; 4411-06; 4411-07.
- 3) The materials to be used in the external surfaces of the building shall match those used in the existing building unless otherwise approved in writing by the Local Planning Authority.

¹ Hertsmere Local Plan Development Plan Document Core Strategy (2013).