



Appeal Decision

Site visit made on 31 October 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 15 November 2017

Appeal Ref: APP/B1930/D/17/3181843

61 Chesterton Avenue, Harpenden AL5 5SU

- 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 N Smith against the decision of the Council of the City and District of St Albans.
 - The application Ref 5/16/3639, dated 4 December 2016, was refused by notice dated 16 May 2017.
 - The development proposed is the erection of two storey side and rear extensions and the demolition of the existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey side and rear extensions and the demolition of the existing garage at 61 Chesterton Avenue, Harpenden AL5 5SU in accordance with the terms of the application, Ref 5/16/3639, dated 4 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1520/04e.
 - 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 garage shall not be demolished until an additional parking space has been laid out within the front garden in accordance with Drawing No. 1520/04e to enable a total of 2 cars to be parked. These spaces shall thereafter be kept available at all times for the parking of vehicles.
 - 5) Following demolition of the garage the existing crossover shall be removed and the footway reinstated in accordance with details, including a programme for the works, to be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the safety of other highway users and (b) the living conditions of the occupiers of neighbouring properties

Reasons

Highway Safety

3. The appeal property is a 2-storey detached dwelling situated on a corner plot within a predominantly residential area of detached and semi-detached properties. The proposed development includes 2-storey extensions to the side and rear of the property and the demolition of a garage within the rear garden. Access to the garage is adjacent to 62 Chesterton Avenue which is one of a small group of dwellings clustered around the end of a spur from the road. There is no formal turning head.
4. By reason of the demolition of the garage, the existing parking space would be relocated to the property's front garden. Policies 39 and 40 of the City and District of St Albans District Local Plan Review (LP) identify that the number of parking spaces required for a 4 or more bedroom dwelling is 3½. However, the number of spaces can be adjusted to suit circumstances and it is not normally necessary to make good any parking shortfall that may already exist. Such a shortfall already exists at the property whether based on 4 or 5 bedrooms. In principle, the replacement of the existing parking space within the property's front garden would not conflict with these policies.
5. There would be space to accommodate an additional parked vehicle within the front garden but, as identified by some local residents, it may well be that the door of this vehicle could open over the footway. However, the potential for a door of a vehicle parked within the proposed space to open over the footway would occur for a short period and it would not fully obstruct the footway. Further, the creation of the parking space would require the removal of the existing conifer trees and, accordingly, the frontage to the footway would be open with appropriate visibility for pedestrians, including school children, to see the door. There would equally be scope for passengers or the driver of the vehicle to see pedestrians.
6. Following the demolition of the garage, a new fence would be erected along the shared boundary with No. 62. Following a consultation response from the Highway Authority, the proposed boundary fence would be chamfered to retain a visibility splay along the footway for vehicles exiting the drive of No. 62. This would be a similar arrangement to the existing fence which provides a visibility splay for vehicles exiting the garage. Based upon the visibility splay provided, the potential traffic movements associated with a single residential property and the absence of any objection from the Highway Authority, there would not be any adverse harm caused to the safety of other highway users from the erection of the proposed fence, including children walking to the primary school, and vehicles manoeuvring along the road or exiting the front garden of No. 62.
7. The site visit occurred during the daytime when local residents have expressed concerns about the number of vehicles parked on-street, some of which are stated to be those of commuters using the near-by railway station. The property is outside the parking controls which seek to deter all-day on-street parking by commuters. However, there was only 1 vehicle parked on-street within the vicinity of the property and this was not parked in a location or manner which precluded safe manoeuvring of other vehicles when entering or exiting the drives of the dwellings fronting the spur road.

8. For the reasons given, it is concluded that the proposed development would not result in a reduction in the safety of other highway users and, as such, it would not conflict with LP Policies 39 and 40.

Living Conditions

9. The occupiers of No. 60 have raised concerns about the potential impact of the proposed rear extension on the outlook from 2 windows within their property's side elevation and levels of sunlight and daylight reaching these windows. Photographs of the outlook from these windows have been provided and their location was noted during the site visit. Also noted was the drive to the side of No. 60, the footpath to access the rear garden of the appeal property and the depth and siting of the proposed rear extension. Further, it was also observed that the ground floor window of No. 60 is a secondary opening for the kitchen and the first floor window does not serve a habitable room. Accordingly, although there would be a modest change of outlook and potentially some reduction in levels of sunlight and daylight reaching these windows, I am satisfied that there would be no significant harm caused to the living conditions of the occupiers of No. 60 and a good standard of amenity would be retained.
10. By reason of siting and the intervening garage, there would not be an adverse effect on the outlook from, or levels of day and sunlight reaching, the nearest ground floor window of No. 62. This assessment is reinforced by the proposed chamfering. The outlook from the first floor of the proposed rear extension would be primarily towards the side elevation of No. 62 which does not appear to contain any habitable windows. For these reasons, there would be no material change to the current levels of privacy experienced by the occupiers of No. 62
11. On this issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would not conflict with the National Planning Policy Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

12. Other matters raised by local residents concern the design of the proposed extension and resulting property. However, the resulting property would retain the character of a 2-storey detached dwelling located on a corner plot. The assimilation of the enlarged property into the streetscene would be assisted by the use of matching external materials as indicated on the application form. There would be no material reduction in the gaps between the enlarged property and the neighbouring dwellings which would result in the appearance of a cramped form of development on this plot. The demolition of the garage and the associated proposed increase in the size of the rear garden would assist in maintaining the openness of the plot.
13. Based upon what was observed during the site visit, including the other schemes identified by the appellants, there are no reasons for me to depart from the Council's assessment that the appeal scheme would not cause unacceptable harm to the character and appearance of the surrounding area.

Conditions

14. The Council has suggested a number of conditions in the event this appeal succeeded which have been assessed against the test in the Framework and the Planning Practice Guidance. For reasons of proper planning and the avoidance of doubt, a condition is required to ensure that the proposed development is erected in accordance with the submitted drawings, including the siting for the fence. For the reasons already given, a condition is necessary to require the external materials of the proposed extension to match those of the property.
15. Two conditions are suggested to address the removal of the existing access to the garage and the creation of the proposed parking space. Both conditions are necessary but have been amended for reasons of precision. Accordingly, and taking into account all other matters, for the reasons given it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR