



Appeal Decision

Site visit made on 5 December 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMi MRTPI

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

Decision date: 21 December 2017

Appeal Ref: APP/X1925/D/17/3181162

32 Lammas Way, Letchworth Garden City SG6 4LW

- 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 Plamen Iliev against the decision of North Hertfordshire District Council.
 - The application Ref, 17/00812/1HH dated 17 March 2017, was refused by notice dated 28 June 2017.
 - The development proposed was originally described as "demolition of outbuilding, chimney removal and erection of porch and double storey rear extension."
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Decision

1. The appeal is dismissed insofar as it relates to two storey rear extension following the demolition of existing outbuildings. The appeal is allowed insofar as it relates to front porch and front and side roof canopy and planning permission is granted for front porch and front and side roof canopy at 32 Lammas Way, Letchworth Garden City SG6 4LW in accordance with the terms of the application, Ref 17/00812/1HH, dated 17 March 2017, so far as relevant to that part of the development hereby permitted and 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, except in respect of the two storey rear extension: Ordnance Survey Plan TL2234 (26 Mar 2017); ILW/1 Revision 01, dated 12.05 (Existing and Proposed Ground Floor Plan); ILW/2, dated 30.03 (Existing and Proposed First Floor Plan); ILW/3 Revision 01, dated 12.05 (Existing and Proposed Elevations); and ILW/4, dated 12.05 (Proposed Elevations).
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the porch and roof canopy hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary and Procedural Matters

2. The appellant has indicated that this appeal has been submitted against the failure of the Council to determine the application within the time limit. However, by the time the appeal was submitted the Council had issued a decision. Consequently this appeal has been determined on the basis of an

appeal against refusal of planning permission. However, this has no bearing on my assessment of the planning merits of this case.

3. The Council altered the description of development from 'demolition of outbuilding, chimney removal and erection of porch and double storey rear extension' to 'Development A: Front porch and front and side roof canopy. Development B: Two storey rear extension following demolition of existing outbuildings (as amended by drawing ILW/1 Revision 01, ILW/3 Revision 01, ILW/4 Revision 01 received 15/05/2017).' This is also used by the appellant on the appeal form. I consider this to be a more accurate description of the two elements within the appeal proposal. However, in my formal decision I have used a simplified description.
4. For the reasons that follow, I find the proposed front porch and front and side roof canopy to be acceptable and it is clearly severable both physically and functionally from the proposed two storey rear extension. Therefore, I intend to issue a split decision in this case and grant planning permission for the front porch and front and side roof canopy.

Main Issue

5. Having had regard to the Council's decision notice and the evidence presented to me, I consider that the main issues are the effect of the proposal on:
 - the character and appearance of the host property and surrounding area; and
 - the living conditions of the occupiers of 34 Lammas Way, with particular regard to light.

Reasons

Character and appearance

6. No 32 Lammas Way is a two storey semi-detached property attached to No 34. It is located on the end of this part of Lammas Way and as such it benefits from a garage, parking area and side garden. No 32 has no previous extensions but has some small conjoined outbuildings within the small rear garden.
7. Lammas Way is a residential area with a mixture of 2-storey, semi-detached and terraced dwellings. The street has a spacious character which arises in part from the siting of the dwellings, set back from the road with front garden areas, and also the separation distance between the road and the footway allowing regularly spaced mature trees on both sides of the street.
8. The appeal proposal has two distinct and separate elements, namely the single storey front porch and front and side roof canopy; and a 2-storey rear extension.
9. The single storey front porch with roof canopy would extend across the frontage and wrap around the side of the property. I note that the Council had no concerns regarding the porch and I see no reason to disagree. It would not be unduly prominent in the context of a similar structure at No 34, and is therefore sympathetic to the host property. Consequently it would not harm the character or appearance of the host property or the surrounding area. This element of the scheme would comply with saved Policy 28 of the North

Hertfordshire District Local Plan No 2 with Alterations (LP) (adopted 1996), which seeks amongst other things, that the extension is sympathetic to the existing house in height, form, proportions, window details and materials.

10. The 2-storey rear extension would cover the full width of the existing rear elevation and abut the single storey rear extension at the adjoining property No 34. It would project approximately 4.3 metres into the rear garden with a pitched roof and eaves height to match the existing house.
11. The depth of the rear extension from the rear wall of the existing house would be some 1.3 metres deeper than the 3 metres which is normally allowed under saved Policy 28. The overall scale of the extension, drawn by the combination of its width, depth and height, would result in a structure which would have a dominating presence in relation to the existing dwelling and its adjoining neighbour No 34. In addition, the scale of the extension and sense of its presence would not be just restricted to being from within the rear garden of No 32 and surrounding neighbours. As No 32 is sited on the end of this section of Lammas Way, the roofscape and blank elevation at first floor level of the extension would be clearly seen from the public realm when approaching from the west. This would further emphasise the scale and dominance of the additional proposed built form.
12. Consequently, I find that the scale and dominance of the rear extension would not be sympathetic to the existing house, such that it would result in an unacceptable harm to the character and appearance of the host property and surrounding area. Accordingly, there would be conflict with Policy 28 of the LP which requires amongst other things, for extensions to be sympathetic to the existing house in height, form and proportions and in addition, for rear extensions to not dominate the adjoining property.
13. The appellant has made reference to a 2-storey rear extension at No 36. However, full details of the circumstances that led to this proposal being acceptable to the Council have not been provided. Therefore I cannot be sure that it represents a direct parallel to this appeal proposal. From the rear garden of No 32, I could see a 2-storey rear extension further to the east. However, it did not cover the whole of the rear elevation and as such is not comparable to this proposal before me. In any event, I have to determine this appeal on its own planning merits.

Living conditions

14. No 34 has rear facing windows at first floor level and a single storey extension with rear facing patio doors. There is also a clear glazed rooflight in the western roofslope of this single storey extension. The proposed rear extension would be built up to the flank wall of No 34's single storey rear extension.
15. Arising from the siting and height of the proposed rear extension, there is likely to be a reduction in light received through No 34's rooflight. As I understand that this is the only source of light to this habitable room, consequently any reduction would adversely affect the living conditions of the occupiers of No 34 in this regard.
16. The nearest first floor window of No 34 to the rear extension could experience a marginal reduction in the light reaching this room. However, I do not

consider that in isolation the impact would be sufficiently harmful to warrant dismissing the appeal.

17. Accordingly, I find that the siting and height of the proposed rear extension would adversely affect the living conditions of the occupiers of No 34, with particular regard to light. It would therefore be contrary to saved Policy 28 of the LP which seeks, amongst other things, that rear extensions should not dominate adjoining property and be well related in distance between the extension and the windows in the next door properties. In addition, paragraph 17 of the National Planning Policy Framework identifies, as one of the core planning principles, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

18. Concern has been expressed by the occupiers of Nos 28 and 30 Lammas Way regarding the impact of the rear extension on their living conditions. It is clear that the proposed rear extension will be seen from the rear windows and rear gardens of both of these properties. I have had regard to these concerns, however, the separation distance between the proposed rear extension and the rear windows and gardens of Nos 28 and 30 would be sufficient as to avoid any unacceptable harm to the living conditions of the occupiers.
19. The position of No 34's single storey rear extension in relation to the common boundary between Nos 32 and 34 has been raised by the appellant. Disputes relating to the party wall are a separate and private legal matter between parties and as such have no bearing on the planning merits of this appeal.
20. The appellant has made several comments regarding processing of the planning application. However, this is a procedural issue which does not concern the planning merits of the case. Accordingly, it is not relevant to my determination of this appeal. I have had regard to all other matters raised by the appellant; however none of these outweigh the harm that I have found in relation to the 2-storey rear extension.

Conditions

21. The Council has suggested 3 conditions relating to the time limit for implementation, compliance with approved plans and that materials to be used should match the existing building. I agree that all 3 conditions are necessary in relation to the grant of planning permission for the front porch and front and side roof canopy.

Conclusion

22. For the reasons given above and taking all matters into consideration, I conclude that the appeal should be allowed insofar as it relates to the proposed front porch and front and side roof canopy, but dismissed insofar as it relates to the two storey rear extension.

Rachael A Bust

INSPECTOR