



Appeal Decision

Site visit made on 30 September 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/N1920/D/19/3233976
30 Hamblings Close, Shenley WD7 9JJ

- 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 Ashley Routledge against the decision of Hertsmere Borough Council.
 - The application Ref 19/0716/HSE, dated 7 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is a single storey front infill extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the proposed development was altered from that originally shown on the application form. As this better describes the proposal and was used by the Council in their decision, I have also used it for the purposes of determining this appeal.

Main Issues

3. I consider that the main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the development on the living conditions of 29 Hamblings Close with regard to privacy and outlook.

Reasons

Character and appearance

4. The site is located in Hamblings Close at the end of a cul de sac. The site comprises one of a pair of semi detached dwellings. A pair of detached single garages lie to the front and close to the front elevation of the dwelling. They are set within small front and rear gardens. I saw from my site visit that timber fencing of at least two metres with some existing trees and vegetation bounded the site separating it from No 29 and the properties in Wayside to the side.
5. The area is characterised by mainly modern, detached and semi detached dwellings of various designs and architectural detailing. The appeal site sits comfortably within this setting.

6. The proposed development would introduce a single storey front extension between the front elevation and the garages. It would fill the existing space and result in the relocation of the front entrance to the dwelling.
7. I acknowledge that there is a degree of uniformity between the pairs of dwellings in the immediate area. However, each pair differs from others and there are considerable variations in the design. Notably No 29 has an attached single garage, which disrupts the symmetry of this pair. I saw from my site visit that a number of properties in the area have already been extended. Moreover, the curve of the cul de sac, means that the appeal site has the appearance of being tucked away with passing views of the site generally seen from an oblique angle.
8. The extension is single storey and whilst this would undoubtedly change the appearance of the front of the property, closing the modest gap between the house and the garage. However, this space is viewed in the context of the rear of the dwellings in Wayside. Therefore, I do not consider that this would result in harm to the area such that the appeal should be dismissed on this aspect.
9. Overall the size and height of the extension is not excessive and it would appear subservient to the main dwelling and the garage. The design is typical of many domestic extensions and I do not consider that it would appear overly bulky or out of character in this residential context.
10. Accordingly, I do not find that the proposed development would be harmful to the character and appearance of the area. It would thus not conflict with Policy SADM30 of the Hertsmere Local plan, Site Allocations Development Management Policies Plan (2016) (LP), and Policies SP1 & CS22 of the Hertsmere Local Plan, Development Plan Document, Core Strategy (2013) (CS). In summary these policies seek to ensure that new development is of high quality design, and appropriate in scale appearance and function to the local context.

Living conditions

11. The proposal would result in the main window for the extension being at right angles, and close to the neighbour's front window at No 29. I could see from my site visit that this is likely to be a habitable room. The new window will afford uninterrupted views towards the existing window at No 29. I accept that this window faces the public domain and is therefore already subject to some transitory overlooking from neighbours and those visiting the area. However, the closed nature of the cul de sac means that the number of uninvited people passing the properties, is likely to be very limited. Moreover, it is reasonable to accept that the incidence of, or perception of, people looking out of a front residential window, would be greater than those simply passing by.
12. Consequently, the siting of the new window within a habitable room and in such close proximity to No 29, would lead to increased levels of overlooking and loss of privacy over and above that which would reasonably be expected for a dwelling in this location.
13. The Appellant has suggested that obscure glazing could be provided to the playroom window to overcome any privacy or overlooking. I accept that such a suitably worded condition could be imposed. However, apart from a small window in the separate toilet, this is the only window to this room. Moreover,

there is no guarantee that this room would not be used for some other purpose in the future. I therefore consider that such a condition would result in unacceptable living conditions for those using the extension in terms of acceptable outlook.

14. I therefore find that the proposed extension would unacceptable and significant harm the living conditions of the occupiers of no 29 with regard to overlooking and privacy. The proposal is therefore contrary to Policy SADM30 of the LP and Policies SP1 and CS22 of the CS which aims to ensure that new development provides a healthy living environment to residents and has limited impact on the amenity of occupiers of the site and their neighbours.

Conclusion

15. For the above reasons whilst I find no harm to the character and appearance of the area, I find significant harm to the living conditions of No 29 with reference to privacy and overlooking and the appeal is therefore dismissed.

Hilary Orr

INSPECTOR