



Appeal Decision

Site visit made on 3 December 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th December 2019

Appeal Ref: APP/P1940/D/19/3237212

8 Church Lane, Mill End, WD3 8HD

- 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 Victor Cambell against the decision of Three Rivers District Council.
 - The application Ref: 19/0882/RSP, dated 12 May 2019, was refused by notice dated 3 July 2019.
 - The development proposed is single storey rear extension and raised decking to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the proposed development from the Council's decision notice. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupants of neighbouring properties, with particular regard to outlook and overlooking.

Reasons

4. The site is a detached two-storey dwelling which has been extended at ground floor to the rear and is located within a substantial plot. The dwelling has its frontage to Church Lane though its rear and side boundaries adjoins Vine Tree Court. No 31 Vine Tree Court is a ground floor flat located adjacent to the appeal site boundary. Its internal arrangement is the opposite to the dwelling at the appeal site, and so its front elevation is adjacent to the rear elevation of the appeal site.
5. Although there is an existing stagger in the alignment of the buildings, due to its overall depth, the proposed extension would result in built development extending substantially beyond the front elevation of No 31. There is an existing window to a kitchen at No 31 and opposite it there is a hedge, with an enclosed bin store beyond. Due to the substantial projection of the proposed extension beyond the front elevation of No 31, it would be visually prominent and visible in wider forward views from the kitchen window. The extension

- would be an intrusive feature and the inset of No 31 from the side boundary, and existing landscaping would do little to mitigate this impact.
6. It is noted that the extension proposes a crown roof and the roof would angle away from the boundary with No 31. However, the roof pitch proposed would be steep and considering this and its overall depth, the proposed extension, in particular the rear roof section, would still have a substantial bulk.
 7. The extension would be clearly visible above the existing boundary fence and be a far more dominant feature than the existing boundary treatment. As detailed above it would result in a sense of enclosure when viewed from No 31, restricting outlook and creating an oppressive feeling when in the dwelling.
 8. The appellant has stated that the proposal would reduce overlooking to Vine Tree Court as it would result in existing windows that face the side boundary being removed. I saw on my site visit that whilst these do offer some opportunity for overlooking, given the separation to the site boundary and boundary treatment in place, this is not significant. I therefore do not consider that this benefit to the proposed scheme would outweigh the harm I have identified.
 9. The proposal also includes an area of decking to the rear of the extension and I saw on my site visit that some works have been undertaken at the property. The appellant's submission indicates that a planning approval¹ has been granted in respect of decking at the appeal site, though I have not been provided with the full details of that application.
 10. Nonetheless the decking would extend across the width of the appeal site to the rear of the proposed extension. I saw on my site visit that there are high trellis panels to the boundary with No 10 Church Lane. Whilst this permits glimpsed views through to the rear garden of No 10, the level of overlooking would not be significant. For these reasons I do not consider the decking would result in harm to the occupants of No 10 from undue overlooking.
 11. Whilst the development would utilise appropriate materials, have limited impact on the street scene, not result in any overshadowing of adjacent properties, retain sufficient garden and the rooflights would not result in overlooking of adjacent properties I consider these matters would have a neutral effect. They therefore do not weigh in favour of the appeal.
 12. On this basis I therefore conclude that the proposed development would be contrary to Policies CP1 and CP12 of the Three Rivers District Council Core Strategy, 2011 and Policy DM1 of the Three Rivers District Council Development Management Policies Local Development Document, 2013 which require development to achieve a high standard of design, and to consider and protect existing residential amenity, with all applications satisfying the design criteria of Appendix 2 contained within the document.
 13. The appellant has referred to the potential for development to be carried out under permitted development rights (PD). Whilst I am mindful of this there is little evidence before me to detail what could be constructed under PD, whether any such development would be a genuine fallback position or would have similar or worse effects than the appeal proposal. Albeit I have considered the proposal on its own merits and, on the basis of the limited information before

¹ 19/1359/RSP

me, do not find that any such fall-back positions provide justification for overcoming the harm I have identified here.

Other Matters

14. The appellant has referred to a previous Prior Approval submission for an extension at the appeal site. It is stated that although the extension exceeded 4m in depth, and its height was greater than the appeal scheme, the Council found it to be acceptable and have no adverse impact in relation to overbearing or overshadowing of adjacent properties.
15. The appellant contends that as the previous scheme was considered under the same policies as those relevant to the appeal scheme it falls that it too would be acceptable and not have a harmful impact to No 31. There do however appear to be some distinct differences between that extension and the one proposed as part of the appeal scheme.
16. Within the extracts of the officer report provided within the appellant's statement it is clear that whilst overall the extension was deeper, it would not project beyond the rear of the adjacent property at No 10 by more than 4m, which would accord with the Council's design criteria. Furthermore, the extension was inset considerably from the boundary with No 31 and therefore, although it may have been higher, its impact on this property would have been markedly less than the appeal scheme, due to the separation between them.
17. It is acknowledged that the appellant sought to amend the scheme in an attempt to overcome the Council's objections, having considered the proposal on its own merits this does not alter the harmful effects I have found. These other matters, therefore, do not lead me to a different conclusion.

Conclusion

18. Whilst I have not found harm to the living conditions of the occupants of No 10 Church Lane, I have found that the proposals would have a harmful impact on the living conditions of the occupants of No 31 Vine Tree Court. For these reasons I conclude that the appeal should be dismissed.

A Denby

INSPECTOR