



Appeal Decision

Site visit made on 3 December 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/B1930/D/19/3239572

2 Pipers Avenue, Harpenden AL5 1HB

- 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 Mrs P Herbut against the decision of St Albans City & District Council.
 - The application Ref 5/19/1263, dated 15 May 2019, was refused by notice dated 2 August 2019.
 - The development proposed is a single storey rear/side extension with flat roof light and 5 no. roof lights to the side.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would cause harm to the living conditions of the occupiers of 2b Pipers Avenue (No 2b) with specific regard to any overbearing impact and loss of outlook.

Reasons

3. 2 Pipers Avenue is a relatively modern, semi-detached dwelling, with existing single-storey rear elements. Permission has been granted for a single-storey rear extension the same overall depth as in this appeal proposal, albeit with a staggered rear elevation, which reduces the length of the proposal along the boundary with No 2b. The appeal proposal would result in a substantial length single-storey building running along the common boundary with No 2b.
4. The boundary between the appeal site and No 2b is currently a mixture of fencing and soft landscaping, which effectively screens the two properties from each other. An extension along this boundary with a roof above, at the height and depth proposed would have a substantially greater impact than the existing boundary treatment. The proposal would in my view appear overbearing and over-dominant and would harm the quality and nature of the outlook, both from within and without No 2b. The proposal would therefore be significantly harmful to the living conditions of the occupiers.
5. I note the scale of the approved extension to the property which extends along the shared boundary. However, the existence of that permission does not change my conclusions on the harmful effects of the proposal before me in this appeal. In my view doubling the length of the extension along the boundary with No 2b from that already approved would increase the overbearing effect of the proposal to a harmful and unacceptable degree. The increased length of the extension at the height proposed would also further limit the quality of the

outlook from No 2b. Although the approved extension extends to the full depth along the boundary with 4 Pipers Avenue (No 4), the effect of the proposal on that neighbour is very different, owing to the changes in level and the separation between the appeal site and No 4.

6. I note the fall-back position suggested by the appellant, that if this appeal were to be dismissed, then a brick boundary wall would be erected. However, as they themselves note, such a wall, erected under the permitted development regime would be lower than the eaves height of the appeal proposal and would in my view have a lesser effect. As a result, this does not alter my conclusions above on the harmful effects of the appeal proposal.
7. In light of the current permitted development regime, the appellant has suggested that the relevant policy in the development plan is out of date in regard to the suggested acceptable length of extensions along shared boundaries. However, the development plan, which remains the starting point for decision making, also requires that the amenity of adjoining properties not be harmed by development proposals. That aim is not affected by changes to the permitted development regime. It is also entirely consistent with the aims of the National Planning Policy Framework (the Framework).
8. The proposal would therefore conflict with saved Policy 72 of the City and District of St Albans District Local Plan review 1994 and the Framework, both of which seek to ensure that extensions do not unacceptably harm the amenity of occupiers of adjoining properties.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR