



Appeal Decision

Site visit made on 3 February 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/N1920/D/19/3239614

7 Pinewood Close, Borehamwood WD6 5NU

- 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 & Mrs Benjamin & Nicola Kasin-Lewis against the decision of Hertsmere Borough Council.
 - The application Ref 19/1233/HSE, dated 6 August 2019, was refused by notice dated 1 October 2019.
 - The development proposed is conversion of garage to habitable room and construction of part two storey and first floor side extension and front porch.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of garage to habitable room and construction of part two storey and first floor side extension and front porch at 7 Pinewood Close, Borehamwood WD6 5NU in accordance with the terms of the application, Ref 19/1233/HSE, dated 6 August 2019, 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: FLU.974.3.04, FLU.974.3.05 and FLU.974.3.06.
 - 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.

Procedural Matter

2. The description of development in the heading and decision above has been taken from the Council's decision notice and the appeal form. It more accurately describes the proposal shown on the appeal plans compared to the description given on the application form. As it is used by both the appellant and the Council, I am satisfied that no party would be caused injustice by basing my assessment on the revised description.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of 3 and 5 Pinewood Close (Nos 3 and 5) in respect of outlook from windows.

Reasons

4. The appeal property is a 2 storey house that fronts the road. The glazed front door, 2 ground floor windows and 2 first floor windows in the side elevation of No 5 face towards the site with a driveway in between. The proposed extension would be positioned on the appeal property's side boundary closest to No 5.
5. The front elevation of the extension would be positioned further back from the road compared to No 5's windows that face the site. As such, it would only be viewed from these windows at an angle with no effect on direct outlook. There would be no harmful impact on No 5's front door which is obscure glazed and so serves no meaningful purpose in terms of providing outlook. Front and rear windows in No 3 and No 5 face towards the road and back gardens rather than towards the appeal property and so would provide only limited sight of the extension. Despite its position on the site boundary, the proposal would have no significant effect on direct views from any clear glazed window and so would not unduly harm the outlook from No 3 or No 5.
6. As such, I conclude the proposal would not harm the living conditions of the occupiers of Nos 3 and 5 by reason of loss of outlook from windows. Consequently, and in this regard, it would accord with policy CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy 2013, policy SADM30 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016, the Hertsmere Local Development Framework Supplementary Planning Document, Planning and Design Guide 2006 Part E as well as the National Planning Policy Framework (the Framework). These all aim to ensure a high standard of amenity for occupiers of properties.

Other Matters

7. Concerns are raised over potential damage to the driveway and obstruction to rear parking spaces during construction. Harm in these respects would involve actions on land outside the appeal site and so are private matters between the parties involved. Given the scale of the proposed development, construction works are unlikely to cause harm by reason of disturbance. I have not been referred to any policy that requires a back garden to have an external exit route and information provided indicates that publicity of the application and appeal has been carried out as required. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds or complaints, the concerns raised do not override or affect my conclusions on the main issue.

Conditions

8. Conditions have been suggested by the Council on the appeal questionnaire. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.

Conclusion

9. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR