



Appeal Decision

Site visit made on 7 July 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/B1930/D/20/3249976 108 The Ridgeway, St Albans AL4 9PR

- 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 Wu against the decision of St Albans City & District Council.
 - The application Ref 5/19/2875, dated 13 November 2019, was refused by notice dated 18 February 2020.
 - The development proposed is two storey front and part single, part two storey rear extensions, hip to gable roof extension to facilitate loft conversion to habitable accommodation with rear dormer window and front rooflights, garage conversion and alterations to openings.
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Decision

1. The appeal is allowed and planning permission is granted for two storey front and part single, part two storey rear extensions, hip to gable roof extension to facilitate loft conversion to habitable accommodation with rear dormer window and front rooflights, garage conversion and alterations to openings at 108 The Ridgeway, St Albans AL4 9PR in accordance with the terms of the application, Ref 5/19/2875, dated 13 November 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01; PL02; PL03; and, PL04.
 - 4) The proposed upper floor windows in the western side elevation of the dwelling (facing No 106 The Ridgeway) shall be fitted with obscured glazing, and no part of those windows less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. The windows shall be permanently retained as such thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of Nos 106 and 110 The Ridgeway, with particular regard to outlook and privacy.

Reasons

3. The proposed 2 storey front extension would project a modest distance of around 1.3 metres to the front of the appeal property. Taken together with the distance maintained to the neighbouring front habitable windows, the proposed front extension would not cause a significant loss of outlook to Nos 106 and 110 The Ridgeway. Furthermore, the proposed hip to gable roof extension and rear dormer window, owing to their roof location, would not appear overbearing in relation to the neighbouring properties.
4. The depth of the proposed 2 storey rear extension, at approximately 3.37 metres, would be proportionate to the existing dwelling. The hipped roof of the extension would slope away from the boundary with No 106, which would limit its visual impact on the adjacent property. Whilst the proposed single storey element would project further into the garden, the mono-pitched roof would slope down to the rear which would limit its bulk. Furthermore, the appeal property sits at a lower land level than No 106, and the proposed extension would be set-in from the boundary. Taking these factors together, I find that the proposal would not appear overbearing in relation to the rear habitable windows or the garden of No 106.
5. The 2 storey element of the proposed rear extension would be set away from the boundary with No 110, which would limit its visual impact on this property. The single storey section would project a small distance of about 1 metre beyond the existing rear extension of No 110. Whilst it would be slightly taller than the adjacent extension, the proposal would not appear overbearing in relation to the rear habitable windows or the garden of No 110. I note that Policy 72 paragraph (viii) of the St. Albans District Local Plan Review 1994 (the LP) states that single storey rear extensions shall not *normally* extend more than 3 metres rearward along a party boundary. The word *normally* provides a degree of flexibility in the consideration of proposals. Given my finding that the proposal would not appear overbearing to No 110, the proposal would not conflict with this paragraph.
6. Turning to the effect on privacy, the proposed upper floor windows in the western side elevation of the appeal property (facing No 106) would serve non-habitable rooms, therefore a planning condition could be imposed to require the windows to be fitted with obscured glass and for the part of those windows less than 1.7 metres above floor level to be non-opening. The alterations to the ground floor openings would not cause a material increase in overlooking compared to the existing situation. The proposed rear dormer window would afford views across the neighbouring gardens, however the appeal site is located in a residential area where there are already mutual views across gardens. In this context, the proposal would not cause a significant loss of privacy.
7. For the above reasons, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of Nos 106 and 110 The Ridgeway in respect of outlook and privacy. The proposal would therefore comply with saved Policies 69 and 72 of the LP, which, amongst other things, seek to protect the residential amenity of neighbouring properties. It would also accord with Paragraph 127 of the National Planning Policy Framework, which, amongst other things, seeks to create places with a high standard of amenity for existing and future users.

Other Matters

8. I have had regard to the representations from local residents, Marshalswick North Residents' Association and Sandridge Parish Council, which, in addition to the above main issue, raise concerns, including: loss of light; increased noise and disturbance; the proposal would create a building of significantly larger and different character and would constitute overdevelopment of the site; the design is out of keeping with the dwelling and neighbouring properties; it will reduce car parking provision; the proposal would breach Article 1 and Article 8 of the Human Rights Act; and construction management would be needed to avoid school runs.
9. The officer's report states that the 2 storey element of the rear extension would not intrude the 45 degree visibility zone of No 106's ground floor windows. There is no evidence before me to suggest otherwise. The modest depth and hipped roof design of the 2 storey element, and the modest height of the single storey section, would ensure that the proposal would not cause a significant loss of sunlight or daylight to the rear habitable windows and garden of No 106.
10. The closest ground floor habitable room of No 110 is served by large patio doors and a roof lantern. The proposal would not cause a significant loss of sunlight or daylight to the neighbouring property given the small distance that the single storey section would extend beyond the patio doors, and the gap that the 2 storey element and the roof alterations would maintain to the neighbouring roof lantern.
11. The property would remain in use as a dwellinghouse and so the proposal would not cause a material increase in noise and disturbance. Whilst there may be some noise during construction works, this would be short-term and there are legislative controls outside of the planning system.
12. As I have found that the proposal would not unacceptably harm the living conditions of the occupiers of neighbouring properties, the degree of interference that the proposal would cause would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol (protection of property) and Article 8 (right for respect for private and family life) of the Human Rights Act 1998.
13. The officer's report considers the design and layout of the proposal extensively. I see no reason to disagree with the officer's assessment that the proposal would be acceptable in terms of its compatibility with the scale and character of the street scene.
14. One on-site parking space would be retained, which is acceptable given the accessibility of the site close to shops and passenger transport facilities. I note that the local highway authority has requested a planning condition to require the submission of a Construction Traffic Management Plan for approval due to the nearby location of Sandringham School and to ensure the safe and free flow of traffic and pedestrians. However, having regard to the modest scale of the development, the amount of construction traffic would be small and so I do not consider that such a condition would be reasonable. Moreover, there are

powers in legislation, including the Highways Act 1980, to address matters such as obstruction in the highway.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of certainty. In order to maintain the character and appearance of the dwelling and the surrounding area, I have also imposed a condition requiring the external surfaces of the development to be finished in materials to match those used in the existing building.
16. Furthermore, in order to protect the privacy of the occupiers of No 106 The Ridgeway, I have imposed a condition to require the upper floor windows to be fitted with obscured glass and for the part of those windows less than 1.7 metres above floor level to be non-opening.

Conclusion

17. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR