
Appeal Decision

Site visit made on 3 August 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/B1930/W/20/3250828
45 Westfields, St Albans AL3 4LR

- 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 Alan Hawkesworth against the decision of St Albans City & District Council.
 - The application Ref 5/20/0077, dated 13 January 2020, was refused by notice dated 18 March 2020.
 - The development proposed is erection of a detached dwelling and associated parking following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of proposed development from the planning application form although I note it is expressed differently on other documents.

Main Issue

3. The main issue raised by this appeal is the effect of the proposed development upon the living conditions of the occupiers of 43 Westfields.

Reasons

4. I saw that the existing original rear building line of No 45 is roughly in line with the rear single-storey extension at No 43. The appellant advises that the proposed single-storey rear element of the replacement dwelling would have a projection of 4.82m beyond the original rear building line of the existing property at No 45. The appellant clarifies that the ground floor extension would be 3.1m in height. The Council's appeal statement sets out that the first-floor projection would be approximately 3.3m beyond No 43. It is pointed out that the ground floor levels of No 43 and 45 are the same and would remain so.
5. The proposal would create built development in close proximity and beyond the rear of No 43 of considerable height and depth. It would be clearly visible in the outlook from both the internal living space and the rear garden of that property. Given the overall size and close relationship to No 43 the projection of built development would be an extremely dominant feature. It would have an overbearing impact upon the living environment of the occupiers of No 43.

The substantial projection would have a negative impact upon the outlook the existing adjoining occupiers should reasonably expect to enjoy. For this reason, the proposed development would be harmful.

6. The photograph provided by the appellant of the view towards No 45 from the patio immediately to the rear of No 43 shows that the existing property at the appeal site and its rear extension are clearly visible. This illustrates that the proposed development would also be clearly visible to the occupiers of No 43 in their outlook from the patio. The vegetation along the boundary would not obscure the proposed development.
7. Concern is raised to potential loss of light to a playroom at No 43. However, the appeal site is north west of No 43 and given its orientation would not prevent sunlight to the rear of No 43 or create overshadowing that might reduce natural light penetrating this room. I, therefore, do not share the Council's view on this point.
8. I note that planning permission (planning ref: 5/2019/2677) was granted in January this year to demolish the adjoining property, No 43, and replace it with a new dwelling that would be of greater depth to that of the existing dwelling. However, there is no guarantee that that permission would be implemented, and I saw no signs of works taking place at that site when I visited the appeal site. Therefore, the proposals must be considered in the context of the current circumstances.
9. I have also been advised by the appellant that in relation to this appeal site a subsequent planning application has been granted by the Council for a replacement dwelling with a rear projection of reduced depth. However, I have not been provided with the details of that scheme that might enable me to assess what similarity that development would have to the appeal proposal that is before me. Notwithstanding this, that permission does not necessarily set a binding precedent for this appeal to be allowed. The Council has clearly set out why it considers the proposal at hand to be unacceptable, having regard to relevant planning policy. As can be seen from my reasoning, this is a position that I would concur with.
10. I acknowledge that the existing property could benefit from the erection of a single-storey extension to the rear under permitted development rights, albeit that extension would be limited to a depth of 4m and height of 3m. Whilst I accept that such an extension could take place, the permitted development extension would be a rear addition of lesser size than that proposed. Therefore, it would have a lesser resulting impact upon the living conditions of the adjoining occupiers. The larger home extension scheme could allow for an 8m extension, but this would be required to take into consideration neighbour representations. Therefore, there is no guarantee that a larger extension would be allowed. I do not consider that permitted development offers support or justification for the proposed development. Therefore, I give this little weight.
11. I have been referred to a replacement dwelling at 39 Westfields and a proposed dwelling at 41 Westfields. In those cases, the Council points out that the developments would not extend significantly beyond the rear of the dwellings either side of those developments. Therefore, it appears to me that the relationship of those developments to their adjoining neighbours is different to that of the proposed developments relationship with No 43. I have also

been directed to an aerial view of a rear extension at 93 Westfields. I acknowledge that development has been accepted but on the available evidence I do not consider this provides sufficient justification for such a development to be replicated elsewhere and where differing circumstances are likely to apply.

12. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of 43 Westfields. The proposal would, therefore, conflict with Policies 69 and 70 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. These policies and the Framework seek, amongst other matters, development to have regard to their surroundings and to ensure a high standard of amenity for existing and future users.

Conclusion

13. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR