The Planning Inspectorate

Appeal Decision

Site visit made on 2 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/N1920/D/20/3246867
57 Goodyers Avenue, Radlett WD7 8AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Stuart Freeman against the decision of Hertsmere Borough Council.
- The application Ref 19/1864/PD42, dated 21 November 2019, was refused by notice dated 18 December 2019.
- The development proposed is removal of existing rear extension and erection of rear single storey extension 8m deep with part-pitched roof and roof lantern.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the removal of existing rear extension and erection of rear single storey extension 8m deep with part-pitched roof and roof lantern at 57 Goodyers Avenue, Radlett, WD7 8AZ in accordance with the terms of the application Ref 19/1864/PD42 dated 21 November 2019 and the details submitted with it including plans nos. 19-0720 PN D01, 19-0720 PN D02, 19-0720 PN D03 and 19-0720 PN D04.

Background and Main Issue

2. The Council has confirmed in its officer's report that the extension would comply with the conditions relating to height, depth and width set out in Paragraph A.4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter "the Order").

3. Paragraph A.4(7) of the Order states that the prior approval of the local planning authority is required when any neighbouring owner or occupier objects to the proposed development. Paragraph A.4(9) requires the local planning authority to consider the amenity of all adjoining premises when an objection is received. The occupants of both Nos 55 and 59 Goodyers Avenue objected to the application the subject of the appeal.

4. The main issue is therefore the effect of the development proposed on the amenity of the adjoining premises for the purposes of Paragraph A.4.

Reasons

5. Both neighbours have objected on the grounds that the extension proposed would infringe on a 45-degree line taken from the windows to their properties. However, I have not been provided with evidence to show that this would be the case. In any event the Order does not require that a proposed development not infringe on the 45-degree line. I have also not been provided with details of the function of the rooms within the neighbouring properties, so for the purposes of this appeal I have assumed that the nearest windows serve habitable rooms.

6. The proposed extension would be set in from the shared boundaries with Nos 55 and 59, which are both in turn set in from their shared boundaries with No 57. The extension would have a predominantly flat roof, which would result in a relatively modest height in comparison to the existing house and neighbouring properties.

7. The outlook from the rear windows of Nos 55 and 59 is principally into their long rear gardens. Due to the separation distance and the relatively modest height of the proposed extension, it would not be an unduly intrusive presence in the outlook from the neighbouring properties. Furthermore, due to the height of the extension and the distance to the rear windows of the neighbouring properties I do not consider that there would be an unacceptable loss of light to these windows.

8. Both Nos 59 and 55 have flank windows and doors facing towards the appeal site. However, the extension would be a peripheral feature when seen from these windows and doors, and any harm to outlook or loss of light would be minimal given the proximity of the existing house at No 57.

9. Therefore, the development proposed would not cause unacceptable harm to the amenity of the adjoining premises.

Conclusion

10. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR