



Appeal Decision

Site visit made on 12 February 2021

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/N1920/D/20/3261437
27 Sullivan Way, Elstree, WD6 3DG

- 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 A Thamotheran against the decision of Hertsmere Borough Council.
 - The application Ref 20/0892/HSE, dated 22 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is a conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon neighbouring living conditions and whether other considerations outweigh any detriment or harm arising from the proposed development.

Reasons

3. The appeal site is a semi-detached dwelling in a suburban area. The recent addition of a 6.0m deep single storey extension across the full width of the rear has created a degree of enclosure of the neighbouring amenity space which, as the appellant's drawings demonstrate, affects access to open sky and daylight from ground floor habitable room windows of the adjacent property (No.29) by intruding upon a 45 degree splay from a habitable room window. The proposed extension would significantly increase that intrusion.
4. The proposed addition of a conservatory at a similar, albeit slightly lower, floor level to that of the existing extension would extend the enclosing effect and create further shading, prominently so due to the slope of the garden.
5. Further, even if the conservatory were glazed opaquely on its flank as has been suggested, the presence of lightly-built habitable accommodation on the boundary (with No.29) in proximity to windows and outdoor amenity space would be intrusive and to the detriment of living conditions.
6. I note the appellant's comments as to the impact of intervening fencing, however, as images supplied show, the enclosing and shading effect of this fencing is not comparable with that brought about by the existing extension

due both to its greater height and because the garden slopes away from the houses.

7. The development would therefore conflict with policies SP1 and CS22 of the Hertsmere Local Plan Core Strategy 2013 and with Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016, which, taken together, seek to ensure high quality design and that development does not unacceptably impact upon the residential amenity of users.

Other Considerations:

8. The appellant has provided documents in support of the appeal making reference to health conditions of one of the occupiers. Whilst the proposed extension would undoubtedly be a benefit to occupiers in terms of living space, these documents do not confirm that a medical benefit would directly accrue from the construction of the conservatory. I am, therefore, unable to give more than nominal weight to these representations.

Conclusion

9. Having considered all matters raised I conclude that the proposed development would not accord with the Development Plan for Hertsmere Borough Council, taken as a whole, and that in consequence the appeal must fail.

Andrew Boughton

INSPECTOR