



Appeal Decision

Site visit made on 27 July 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2021

Appeal Ref: APP/B1930/D/21/3271705

49 Park Mount, Harpenden, AL5 3AS

- 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 D Le'ake against the decision of St Albans City and District Council.
 - The application Ref 5/20/2500, dated 26 October 2020, was refused by notice dated 8 January 2021.
 - The development proposed is a first-floor rear extension and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In my opinion, the revised document does not materially alter the policy context in relation to the main issue and in reaching my decision, it was not necessary to seek comments from the main parties.
3. At the site visit, I was unable to view the effect of the proposal on the neighbouring property from the appellant's dwelling. Consequently, I called at number 51 Park Mount and gained access into the neighbours dwelling and garden. The merits of the appeal proposal were not discussed with the occupants.
4. I note that the description of the development on the Council's decision notice and the appeal form differs slightly from that stated on the planning application form. The Council's description and the appeal form includes reference to rooflights, which are part of the proposal. Therefore, I have considered the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupants of number 51 Park Mount, with particular regard to outlook and natural light.

Reasons

6. The appeal dwelling is a two-storey detached dwelling (plus attic space) with a single storey flat-roof extension at the rear. It is situated on a relatively large plot within an established residential area. Dwellings in the vicinity of the

appeal site vary in terms of their size, scale and appearance with many having been altered and extended since they were originally built. These include first-floor and roof alterations. The appeal property was originally a bungalow, but permission was granted to create a two-storey dwelling in 2008. Applications to construct first floor rear extensions were also refused by the Council in 2007 and 2008.

7. The proposal is to build a first-floor rear extension above the existing flat-roofed addition. The extension would be a twin gabled structure, which would ensure that it would be lower in height than the existing main roof of the dwelling. The extended accommodation would include additional bedroom and sitting area.
8. Policy 72 of the St Albans District Local Plan Review 1994 (LP) requires, amongst other things, extensions to dwellings to be in scale and character with the area and compatible with the original building. In addition, the Policy states that the light, privacy or amenity of adjoining property shall not be unacceptably harmed. Although the LP is somewhat dated, Policy 72 is generally consistent with the relevant provisions of paragraph 130 of the Framework.
9. The Council considers that the design and appearance of the proposed extension is acceptable. I agree with the Council's conclusion on this matter. The scale and form of the extension would not be at odds with the existing dwelling or the locality.
10. With regard to the impact on neighbours, the Council contends that the proposal would have a detrimental effect on the residential amenity of number 51 Park Mount, due to the size, bulk and height of the extension. In that regard, a particular consideration is the impact on a side bedroom window of number 51. I also note that the occupants of number 51 objected to the proposal.
11. Having viewed the proposal from the side window of number 51, I also find that the proposal would have an adverse effect. I accept that the loss of natural light (particularly sunlight) will not be significant, because number 51 is positioned to the north of the appeal property. In reaching my decision, I have also taken into account that the appeal property is at a lower ground level compared to number 51.
12. However, although there is a dense area of vegetation on the shared side boundary, the side wall of proposed extension would be clearly visible from the side window and it would have an unacceptably overbearing impact on the outlook from the neighbours dwelling, due to its height, bulk and close proximity to the boundary.
13. I have noted the appellant's comments relating to other extensions in the locality (Bloomfield Road), which are considered to be similar. However, each proposal must be considered separately and I have determined the appeal proposal on its individual merits.
14. The appellant also points to the affected room at number 51 being a bedroom and not a main living space. However, at the time of my visit, the room was also being used partly as a study/office space with a desk placed in front of the window.

15. I have also attributed weight to the appellant's requirement for additional living and working space for his family. Notwithstanding, I consider that this is outweighed by the harmful impact on the neighbouring property.

Conclusion

16. For the reasons given above, I conclude that the proposal would be unacceptably harmful to the living conditions of the occupants of number 51 Park Mount. Consequently, the proposal would conflict with Policy 72 of the LP and the appeal is dismissed.

Ian McHugh

INSPECTOR