
Appeal Decision

Site visit made on 23 September 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021.

Appeal Ref: APP/B1930/D/21/3276544
159 St Albans Road, Sandridge AL4 9LN

- 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 Gregory against the decision of St Albans City & District Council.
 - The application Ref 5/20/2823, dated 24 November 2020, was refused by notice dated 26 April 2021.
 - The development is a proposed two storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed two storey side and rear extension at 159 St Albans Road, Sandridge AL4 9LN in accordance with the terms of the application, Ref 5/20/2823, dated 24 November 2020, 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 development hereby permitted shall be carried out in accordance with the following approved plans: site plan, B-20-57-1, B-20-57-2, B-20-57-3.
 - 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of no. 157 St Albans Road with regard to light.

Reasons

4. The appeal site relates to a detached house with off-street parking spaces to the front, sited on St Albans Road. The surrounding area is predominantly residential in nature.
 5. In order to consider the effect of the proposed development on the shading at no. 157 St Albans Road, a Daylight and Sunlight Assessment (DSA) conducted by Right of Light Consulting was provided with the planning application. This accords with the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', which I accept is an established document to consider the impact of new development on daylight and sunlight.
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6. The DSA indicates that there could be breaches of the BRE Daylight guidelines in relation to the side facing kitchen window at 157 St Albans Road, given its proximity to the development site. Nevertheless, it is argued that alternative Vertical Sky Component targets can be adopted, derived by calculating the level of light that the windows would achieve if obstructed by a hypothetical 'mirror-image' of the existing neighbouring building, an equal distance away from the boundary. The Author is of the opinion that the current design proposals are likely to satisfy the alternative mirror methodology set out in BRE Guide 'Site Layout Planning for Daylight and Sunlight' 2011.
7. The Council contends that no specific calculations for the 'mirror-image' test have been supplied or alternative methodologies considered to establish the acceptability of the proposal. Without such information, limited weight should be given to the conclusions in the DSA.
8. To my mind, the proposed development would undoubtedly result in a degree of further reduction in light to the ground floor side window at 159 St Albans Road. However, any loss would be limited to certain times of the day; for most of the morning sunlight and daylight reaching the opening would be unobstructed. Furthermore, the existing appeal dwelling would already cast a shadow over the neighbouring house for much of the afternoon and evening, particularly during the autumn and winter months.
9. In other respects, whilst I am aware that there is no single legal definition of 'habitable room', I am also cognisant that the window serves solely a kitchen, and as such the definition may not apply in this instance. In any event, the kitchen is served by a secondary light source from the room at the rear.
10. These circumstances, together with the conclusions of the DSA and the support of the owners of no. 157, are factors that lead me to conclude that the loss of light to the occupiers of the adjacent dwelling as a consequence of the proposed development would not be of such a significant detrimental extent to warrant the dismissal of this appeal.
11. I therefore conclude that the proposal would not result in material harm to the living conditions of the occupants of no. 157 St Albans Road with regard to light. It would be in accordance with policy 72 of the St Albans District Local Plan Review 1994, which requires extensions to dwellings to have regard to the affect of a development on adjoining properties. The proposal is also consistent with the advice the National Planning Policy Framework, which seeks to ensure safe and healthy living conditions.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
13. A further condition requiring external materials to match those on the existing dwelling would ensure a satisfactory appearance.

Conclusion

14. Based on my reasoning and all other matters, I conclude that the appeal should be allowed.

C Hall

INSPECTOR