



Appeal Decision

Site visit made on 14 October 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/P1940/D/21/3278226

78 Brookdene Avenue, Oxhey Hall, Hertfordshire, WD19 4LF

- 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 Sebastian and Monica Antony against the decision of Three Rivers District Council.
 - The application Ref 21/0275/FUL, dated 8 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is described as 'rear and side extension along with minor façade changes to a single dwelling house'.
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Decision

1. The appeal is allowed and planning permission is granted for single-storey side and rear extensions in addition to alterations to external materials at 78 Brookdene Avenue, Oxhey Hall, Hertfordshire, WD19 4LF in accordance with the terms of the application, Ref 21/0275/FUL, dated 8 February 2021, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0100-3-12, 0100-3-13, 0100-3-14.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reasons

2. The main issue in this appeal is the effect of the proposed rear extension on the living conditions of the neighbouring occupier/s, in particular those at 76 Brookdene Avenue with regard to outlook. The development plan includes policies CP1 and CP12 of the Council's Core Strategy (2011) and policies DM1 and Appendix 2 of its Development Management Policies Local Development Document (LDD) (2013) which together seek to ensure, amongst other things, high quality design which includes the protection of residential amenity, the prevention of loss of outlook to neighbouring properties and the restriction of the maximum depth of ground floor extensions to 4m on detached properties.
3. The appeal site is a detached dwelling on a long, suburban street of dwellings of varying sizes and styles, mostly built during the inter-war period. The appeal dwelling is a detached house which has previously been extended to the front and rear. The proposal includes the demolition of both a rear conservatory and a small single storey extension. The plans show that the

proposed rear extension would project forward of the rear elevation of the neighbouring dwelling at no 76 by some 8.75m. It would have a shallow pitched roof with a ridge height of 3.5m.

4. The plans also show that the ground level of the neighbouring property is some 0.9m higher than that of the appeal site and this was confirmed by my site visit observations. The existing boundary between the two properties consists of a low brick wall with a timber fence covered by tall planting. The plans show a 2m high fence along the boundary. Given the difference in ground levels, the proposed extension would appear as 1.8m high at the eaves alongside the boundary and 2.6m high at the ridge, some 3.75m from the boundary. According to the plans it would lie below a vertical line of 25° from the neighbouring property. Therefore, despite the length of the extension, as it would not significantly exceed the height of the boundary fence and the ridge would be some distance from that, it would not appear overly intrusive or overbearing when seen from no 76 and would not cause significant harm in terms of outlook.
5. The Council's decision does not refer to the impact on light and for the same reasons as above, the proposal would be also acceptable in this respect. The Council considers that the proposed extensions are acceptable in regard to the living conditions of the other neighbouring occupier/s at no 80 and from what I have seen, I would agree.
6. I conclude, therefore, that the proposal would not result in significant harm to the living conditions of neighbouring occupiers and accords with the development plan policies referred to above.

Other matters

7. I have noted that the appeal site lies adjacent to the Oxhey Conservation Area (CA) in which the original properties in the area have long rear gardens which provide an important part of the local environment and contribute to the distinctive character of the CA. However, as the boundary of the CA abuts the rear boundary of the property and it is screened by mature trees, I agree with the Council's Conservation Officer that the proposed extensions would preserve its character and appearance.
8. Neighbours' concerns in regard to access and maintenance of the proposed extensions are legal matters which are outside the scope of this appeal.

Conditions

9. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of character and appearance. I have changed the description of development in the formal heading to reflect that of the Council's decision which describes the proposal more accurately.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

Sarah Colebourne

Inspector