The Planning Inspectorate

Appeal Decision

Site visit made on 17 December 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date:30TH December 2021

Appeal Ref: APP/P1940/D/21/3281558
Blakenhall, 55 Nightingale Road, Rickmansworth WD3 7BU

- 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 Eddie Lamma against the decision of Three Rivers District Council.
- The application Ref 21/0893/RSP, dated 31 March 2021, was refused by notice dated 12 July 2021.
- The development proposed is a single storey side/rear extension- part retrospective.

Decision

1. The appeal is allowed and the planning permission is granted for a single storey side/rear extension- part retrospective at Blakenhall, 55 Nightingale Road, Rickmansworth WD3 7BU in accordance with the terms of application reference 21/0893/RSP, dated 31 March 2021 and subject to the following conditions:

    1. Within four months of the date of this decision, the development hereby permitted shall be completed in accordance with approved plans 1402_340, 1402_341, 1402_342, 1402_343, 1402_344, 1402_345.

    2. All soft landscaping works as approved under discharge of condition application(19/1789/DIS) shall be completed before the end of the first planting season following the beneficial use, or completion of, the extension hereby approve, whichever is first. If any specimen is removed, dies, becomes severely damaged or diseased within five years of the completion of development it shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

    3. Within four months of the date of this decision, a scheme for artificially weathering the bricks used in the extension hereby approved, to include timescales for undertaking the works, shall be submitted to and approved in writing by the local planning authority. Thereafter, works should be undertaken in accordance with the approved details.

Procedural Matters

2. The structure which is the subject of this appeal has already been constructed, albeit at a greater height than that proposed by the appeal scheme. I was therefore able to view it at this greater height during my site visit.

Main Issue

3. The main issue is the effect on the living conditions of the neighbouring occupiers of No 57 Nightingale Road, in terms of outlook and light.

Reasons

4. I acknowledge that the appeal extension would be 0.6 metres higher than the originally approved scheme (19/0259/FUL). However, it would be only 0.25 metres higher than the most recently approved scheme (20/1618/FUL). Whilst that scheme cannot be implemented as it would not meet Building Regulations, it establishes the principle of a single storey extension in this position at a height of 3.55 metres.

5. At my site visit, I was able to view the extension as built at 4 metres in height. This structure currently appears overly high and overbearing when viewed from No 57 Nightingale Road, particularly given that the neighbours' house is located at a lower ground level. However, given that both dwellings are set away from the joint boundary and benefit from a high, largely vegetated boundary treatment, the single storey extension at the proposed height of 3.8 metres would be significantly less imposing when viewed from the neighbour's property than the current situation. On this basis, the proposed increase in the height of the extension by 0.25 metres above the most recently approved scheme, would not unacceptably harm the neighbours' living conditions in terms of outlook or loss of light.

6. In conclusion, the extension as proposed would not unduly harm the living conditions of the residents of No 57. The proposal would therefore meet the requirements of Three Rivers District Council, Local Development Framework, Core Strategy (2011) Policies CP1 and CP12 and Three Rivers District Council, Local Plan, Development Management Policies Local Development Document (2013) DM1 and Appendix 2, which seek to safeguard the living conditions of neighbouring residents.

Other Matters

7. I have given careful consideration to the concerns raised by local residents and Blatchworth Community Council regarding the appeal. I note comments regarding the planning process and unauthorised works which have been undertaken in this case. However, this is not a matter for this appeal which I have determined on its own planning merits.

8. Concerns have been expressed that the proposed extension is not sympathetic to the existing dwelling, in terms of design, mass and finish. The proposed condition requiring the weathering of the external brick finish of the extension would help assimilate the new structure into the existing building and area. Notwithstanding, I note that Council has concluded that the proposal would not unacceptably harm the character and appearance of the host dwelling or area, including the Upper Nightingale and Cedars Avenue Conservation Area. I have no reason to disagree with this view.

9. This high boundary treatment between the appeal site and No 57 would prevent any significant overlooking between the proposed extension and the first floor windows of No 57.

Conditions

10. I impose a condition giving a timescale for completion of the extension in accordance with the approved plans to ensure that works to make the extension acceptable are secured in a timely manner. I have not attached the Council's suggested condition regarding external materials as the extension is largely completed and no information is included on the approved plans or the application form in this respect. A condition requiring the brickwork to be artificially weathered would make the appearance of the new structure in the context of the main dwelling acceptable. I have attached a condition relating to landscaping to safeguard the character and appearance of the area and the neighbours' living conditions.

Conclusion

11. For the reasons given, I conclude the appeal should be allowed.

Rebecca McAndrew

INSPECTOR