



Appeal Decision

Site visit made on 22 August 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/B1930/D/22/3291917

14 Leycroft Way, Harpenden AL5 1JW

- 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 Carlos and Chantelle de Carvalho against the decision of St Albans City Council.
 - The application Ref 5/21/2659, dated 17 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is described as the “raising of ridge height and conversion of hip to gable roof to facilitate loft conversion with rooflights and alterations to openings”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of occupiers of 12 Leycroft Way (No.12) with particular regard to outlook.

Reasons

3. The proposed development would be situated on the shared boundary between the appeal site and No.12, which although a detached property, is situated in close proximity to this boundary. On my site visit I was able to see that there are windows at the neighbouring property in both the single storey rear projection, and a single storey side projection which appear to serve living areas and broadly face towards the rear garden of the property. However, the arrangement of the shared boundary and the properties results in the window of the single storey side projection at No.12 having an oblique view of the shared boundary and the existing side elevation of the appeal site, as opposed to a direct view into the rear garden.
4. Although the side elevation on the existing bungalow at the appeal site is already in close proximity to the shared boundary, and the window in the side projection at No.12, the proposed development would increase the scale of the property along the shared boundary in terms of both projection and height. Whilst there is some disagreement between the parties in terms of the extent of the increase in height, nevertheless, as a result of the proximity of the window at the neighbouring property and its oblique angle to the shared boundary, this increased scale of built form would appear as prominent and overbearing when viewed from this location.

5. I have taken account of the fact that the neighbouring property sits at a slightly higher position than the appeal site, however the difference is not substantial, particularly in the area around the side projection window at no.12 and in the location of the proposed development. I have also had consideration to the fact that the neighbouring property is currently larger than the existing bungalow at the appeal site, however these factors would not wholly mitigate the harm that I have identified.
6. The impact on the living conditions of the occupiers of No.12 with regards to loss of light is not a matter of dispute. However, even if I were to agree that the development was acceptable in this regard, it would not overcome the harm that I have identified in terms of the prominent and overbearing effect of the proposed development.
7. Therefore, the proposed development would result in harm to the living conditions of occupiers of 12 Leycroft Way with particular regard to outlook. It would be in conflict with saved Policies 69 and 72 of the St Albans District Local Plan Review 1994 and Paragraph 130 of the National Planning Policy Framework which seek, amongst other things, to ensure that new development responds to its surroundings, and that light, privacy and amenity of adjoining properties are not unacceptably harmed.

Conclusion

8. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

C Harding

INSPECTOR