

Appeal Decision

Site visit made on 20 September 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/X1925/D/22/3302266

17 Common Rise, Hitchin, Hertfordshire, SG4 0HN

- 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 Bell against the decision of North Hertfordshire District Council.
 - The application Ref 22/00643/FPH, dated 3 March 2022, was refused by notice dated 14 April 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 19 Common Rise with regard to outlook and light.

Reasons

3. The property has a two-storey rear extension that adjoins the shared boundary with 19 Common Rise. This has undoubtedly increased the shading within the neighbouring garden, reduced the outlook from the rear facing window and enclosed the area of garden closest to it. The single storey extension now proposed would increase the depth of works along the boundary. This would have only a very limited further impact on the outlook from the rear facing ground floor window. Given the shading of this area caused by the two-storey extension, there would also be only a limited further loss of sunlight to parts of that area outside the window.
 4. Although only single storey, the extension would enclose the neighbouring garden more and would increase the dominance of development further into the garden. It would increase shade for a short period after midday but given the angle of the sun, this is unlikely to materially alter the living conditions of the neighbouring residents at this time, either within their garden or their conservatory. Whilst I do not consider that the loss of direct sunlight would be significant because of the particular aspect of these properties, the increased prominence of development on the boundary would add to the already imposing character of the two-storey extension. Having a maximum height of over 3 metres, the extension would add unacceptably to the enclosure of the
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neighbouring garden. Whilst the height would reduce as a result of the pitched roof to just over two metres, overall, the proposal would be unacceptably overbearing.

5. The appellants have made reference to two fall-back situations. I cannot pre-judge the outcome of a notification procedure despite the lack of objection to this planning application. As the prior approval procedure has not been undertaken, I can afford little weight to the permitted development scenario suggested. It is not at this point, a fall-back position. The appellants also suggest that an application could be made for an extension of a lower height that would have a lesser impact on the neighbouring residents. This is not a fall-back position either as consent would still be required and the appearance would need to be assessed. I am not able to pre-judge a different application as part of this procedure. As it would in any event, result in less harm with regard to the main issue, it is not a matter that offers support for this proposal.
6. With regard to the details before me, the proposal would result in an unacceptable increase in enclosure that would be overbearing and would detract from the living conditions of the residents of 19 Common Rise with regard to outlook. The over-dominance of development on this boundary would conflict with Policy 28 of the Local Plan 1996. As this remains consistent with the amenity requirements of the *National Planning Policy Framework*, it can be afforded full weight. The inspector has reported on the emerging local plan but it has not, as yet, been adopted. Policy D3 is likely to remain unaltered and the changes to Policy D2 would not change its original objectives. Whilst these policies can be afforded greater weight given that the emerging local plan is nearer to adoption, they do not change the aspirations of the council's policies, in any event.
7. Whilst I have considered the matters put forward by the appellants; and the lack of objection from the neighbour, there are no matters that outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR