



Appeal Decision

Site visit made on 30 September 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/B1930/D/22/3299937

7 Ambrose Lane, Harpenden AL5 4AU

- 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 Sharon Page against the decision of St Albans City & District Council.
 - The application Ref 5/22/0290, dated 4 February 2022, was refused by notice dated 1 April 2022.
 - The development proposed is part single part two storey front and rear extension following demolition of existing garage and rear extension. Alterations to fenestration and driveway. Construction of rear canopy.
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Decision

1. The appeal is allowed and planning permission is granted for part single part two storey front and rear extension following demolition of existing garage and rear extension. Alterations to fenestration and driveway hardstanding. Construction of rear canopy at 7 Ambrose Lane, Harpenden AL5 4AU in accordance with the terms of the application, 5/22/0290, dated 4 February 2022, and the plans submitted with it, 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 Location Plan (001); Existing and Proposed Plans (002); Existing and Proposed Elevations (003).

Preliminary Matter

2. The description of development in the banner heading above has been taken from the description on the Council's decision notice as it is more succinct than the one provided on the planning application form. It is also the same description as provided in part E of the appeal form.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the neighbours at No.5 Ambrose Lane, with particular regard to loss of light.

Reasons

4. No.7 Ambrose Lane (No.7) is a two-storey detached house finished in concrete hanging tiles, red facing brick with stone panelling beneath a canopy entrance. No.7 has an integral flat roof single garage that projects forward from the front building line of the house. It is proposed to demolish this existing garage and construct two, two-storey gable extensions to the front elevation linked by an entrance canopy with flat roof. A part single, part two storey extension is also proposed to the rear of the house.
5. No.7 is offset from its boundary with its neighbour at No.5 Ambrose Lane (No.5) by only around 0.85m. No.5 itself is a two-storey detached house that has been extended and remodelled with a similar two-storey front gable, which broadly aligns with the building line of No.7's garage. On the flank elevation of No.5 are two ground and a first floor window that directly face the flank of No.7 at a distance of around 1.7m. The first floor window is obscure glazed and serves a bathroom, a non-habitable room. The ground floor windows are located toward the front of the house and serve a utility and children's room. The *Existing and Proposed* plans show that, in plan form, the existing single storey garage of No.7 breaches the BRE 45 degree angle when taken from the outer edge of the children's room window. Further, in elevation, the existing two-storey flank of No.7 breaches the 25 degree angle from the centre of the same window.
6. Therefore, light is clearly already being blocked from the children's room window by the existing flank elevation of No.7, as well as by the side gate to both houses located very close to the window. Although I did not have access to the children's room, the compromised light and close relationship with No.7 was readily appreciable from the passageway between the two houses. The proposed gable extension would be situated on the same building line as No.7's existing garage but would extend over two-storeys with the eaves of the gable just below the height of the eaves of the main roof. I acknowledge that a daylight/sunlight assessment was not submitted to support the proposals. However, I am mindful of the guidance at paragraph 125 of the National Planning Policy Framework (the Framework) that, in any event, a flexible approach should be taken in applying guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site as long as the resulting scheme would provide acceptable living standards.
7. In this case, given the existing relationship I saw between the children's room window and No.7, and the location of the proposed two-storey extension to the north, I am not persuaded that the increase in height over the existing garage would demonstrably reduce the light to that room. Nor, would any loss of light cause significant harm to the living conditions of the neighbours of No.5, given the light afforded to living accommodation elsewhere in the house.
8. Consequently, there would be no conflict with Policy 72 of the City and District of St Albans District Local Plan Review (1994) in so far as it requires that extensions shall not unacceptably harm the light of adjoining property. Further, there would be no conflict with the guidance at paragraph 130 of the Framework that developments create places with a high standard of amenity for existing and future users.

Conditions

9. The Council has suggested a condition that the materials to be used match those used for the existing dwelling. However, the *Proposed Elevations* identify the materials as a white brick, with white mortar, black standing seam cladding and render. As these do not match the existing materials described above, such a condition is not necessary. In addition to the standard time condition, in the interests of certainty, I have therefore only imposed a condition requiring the development to be built in accordance with the approved plans.

Conclusion

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

R. Jones

INSPECTOR