

Appeal Decision

Site visit made on 10 October 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2022

Appeal Ref: APP/B1930/D/22/3305229

166 Drakes Drive, St Albans, Hertfordshire AL1 5AB

- 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 Teresa Ryan against the decision of St Albans City & District Council.
 - The application Ref 5/22/0314, dated 7 February 2022, was refused by notice dated 26 May 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 166 Drakes Drive, St Albans, Hertfordshire in accordance with the terms of the application, Ref 5/22/0314, dated 7 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Sheet 1 of 2; and Sheet 2 of 2 Revision 5.
 - 3) The external surfaces of the development hereby permitted shall match those of the existing dwelling.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 168 Drakes Drive with regard to light and outlook.

Reasons

3. The proposal would result in a single storey extension to the rear of this semi-detached property. The house already has a part single, part two-storey, rear extension and this further addition would extend a further three metres into the garden, resulting in a combined depth of nearly 6.5 metres. The council suggest that there would be a reduction in light and outlook for the attached neighbours at 168 Drakes Drive.
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4. With regard to light, the proposed extension would be almost directly north of the rear facing windows of the neighbouring property and east of the adjoining garden area. This aspect would ensure that there would be no loss of direct sunlight to the rear facing windows or the rear garden of the neighbouring property due to the aspect and the position of existing buildings. As the existing two storey extension, with its ground floor side addition, already extends close to the boundary, this further addition, set further away from the boundary, would not significantly alter light levels within the rear facing rooms or the garden area.
5. The outlook from the rear facing rooms of the neighbouring property are already constrained by the existing extension. The neighbouring windows would retain a relatively open aspect to the rear and to the west. As this proposal would be beyond the existing extension and set further from the boundary, although it may be visible beyond the existing extension and above the fence, it would not significantly alter the outlook from the living accommodation within the neighbouring house.
6. The additional works would be apparent when in the rear garden of the neighbouring house. The eaves would be evident above the dividing fence as would the shallow sloping roof which would rise to a ridge further from the boundary. Given the low height of the eaves and their set back from the boundary; together with the low overall height of the ridge and its further distance from the neighbouring property, the new structure would not be imposing or unacceptably overbearing. The garden of the neighbouring property has a relatively open aspect from west to north and this would remain.
7. Overall, the design of this further addition has been carefully considered with a set back from the boundary and a low eaves height. Given the lack of harm to the amenities of the neighbouring residents, there would be no conflict with the amenity requirements of part (v) of Policy 72 of the St Albans District Local Plan 1994. Part (viii) suggests that single storey extensions should not normally extend more than three metres rearward along the party boundary. In this case, the two extensions should be considered together. However, the original extension is set slightly away from the boundary and this extension would be set even further away, at almost a metre. The aspect also works in favour of this particular layout. The arrangement does not conflict with the exact terms of part (viii) and in any event, this element of the policy provides for some flexibility. It does not therefore conflict with the policy and satisfies its amenity objectives as set out in part (v). It would not conflict with the similar amenity aspirations of the National Planning Policy Framework.
8. As there are no matters that weigh significantly against the development, I allow the appeal. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. The application form sets out that the materials would match. I have included a condition to require this to ensure that the extension would have a satisfactory appearance.

Peter Eggleton
INSPECTOR