



Appeal Decision

Site visit made on 6 December 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2023

Appeal Ref: APP/B1930/W/22/3304822

28 Holborn Close, St Albans AL4 9YG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms Deborah Wood against St Albans City Council.
 - The application Ref 5/2022/0325, is dated 8 February 2022.
 - The development proposed is retrofit works to meet EnerPHit Plus standards, demolition of garage and erection of part single and part two storey side extension and single storey side extension.
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Decision

1. The appeal is dismissed and planning permission for retrofit works to meet EnerPHit Plus standards, demolition of garage and erection of part single and part two storey side extension and single storey side extension at 28 Holborn Close, St Albans AL4 9YG is refused.

Preliminary Matters

2. The Council failed to determine the planning application within the prescribed period. However, following the submission of the appeal, the Council have prepared a statement. This sets out that had the Council determined the application, planning permission would have been refused and gives a putative reason for refusal which relates to the main issues set out below.
3. A Lighting Analysis has been submitted by the appellant as part of the appeal. Given that the Council have had the opportunity to provide comments in relation to the document, I am satisfied that no injustice would occur should I determine the appeal on the basis of this information.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 26 Holborn Close (No 26) having particular regard to outlook and light.

Reasons

5. The appeal property is a 2 storey detached dwelling within a predominantly residential area made up of similar properties of varying designs. The dwelling lies at the end of a cul-de-sac and is set back a greater distance from the front boundary of the site than the neighbouring property at No 26.
6. The appeal proposal would replace the existing single storey element to the side of the property, which lies parallel to the side boundary of the site

- between it and No 26, with a 2 storey and single storey extension to the side and rear of the property.
7. The closest window to the side boundary of the appeal site at No 26 is a rear ground floor window which I am told serves a kitchen. There is a ground floor side opening which also serves this room, however this is a secondary opening in the room, the outlook from which is already compromised by the existing dwelling at 28 Holborn Close.
 8. As a consequence of the staggered layout of the properties the proposal would extend a considerable distance beyond the rear elevation of No 26. This would include part of the proposed 2 storey side gable, which would be in much closer proximity to the shared boundary than the existing side gable at the property. Due to the height, scale and width of the 2 storey side addition, together with its proximity to the shared boundary, it would form a dominant and severely overbearing feature when viewed from No 26. As such it would diminish the outlook from the nearest rear ground floor window at No 26.
 9. The single storey element of the proposal would extend further from the rear of No 26 and at just over 3m in height would protrude above the boundary treatment between the properties. However, due to its single storey nature and greater distance from the neighbouring window, it would not appear as visually prominent in views from the rear of No 26.
 10. The proposal would result in a technical breach of the 45 degree code, which is used to assess the effect of a proposal with regards to light. Notwithstanding this, the submitted Lighting Analysis demonstrates that whilst there would be some reduction in the amount of sunlight that would reach the ground floor rear window at No 26, as well as a negligible loss of daylight, the proposals would not result in an unacceptable loss of light. The Council do not dispute these findings and I have no reason to disagree.
 11. For the foregoing reasons I conclude that the proposal would cause harm to the living conditions of the occupiers of No 26 through loss of outlook. The proposal would be contrary to Policy 72 of the St Albans District Local Plan Review 1994 (the LP) in so far as it requires extensions to dwellings to safeguard the living conditions of neighbouring properties. However, the proposal would not harm the living conditions of the occupiers of No 26 with respect to light. In that regard the proposal would comply with the amenity aims of Policy 72 of the LP.

Other Matters

12. I have no reason to disagree with the Council that the proposal would not cause harm to the host building, the character and appearance of the area or highway safety. The fact that the proposal aims to create a highly energy efficient property is a laudable approach but would not, in itself, be sufficient to reduce the harm I have found.
13. I note the appellant's comments about the way in which the Council dealt with the planning application. However, I have determined this appeal on its individual planning merits.

Conclusion

14. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise. For the reasons above the appeal is dismissed.

Emma Worley

INSPECTOR