



Appeal Decision

Site visit made on 12 January 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/B1930/D/22/3305551

13 Kirkwick Avenue, Harpenden, Hertfordshire AL5 2QU

- 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 Stacey against the decision of St Albans City Council.
 - The application Ref 5/2022/0773 dated 22 March 2022, was refused by notice dated 1 June 2022.
 - The development proposed is described as erection of new two storey front extension and first floor side extension with rooflights.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of No. 15 Kirkwick Avenue.

Reasons

3. The appeal site lies within a predominately residential comprising large detached properties. The appeal site is a large detached property with an irregular shaped rear garden.
4. During my site visit I observed the proposed development from both the appeal site and the rear garden of the neighbouring property No. 15.
5. The private rear garden of No. 15 extends to the rear of No. 13 at a lower level to the built form of the properties. The boundary with No. 15 is a mature hedge which screens the site to a degree.
6. There are existing windows at first and second floor on the rear elevation of the appeal site which offer opportunities of overlooking into the neighbouring garden. However due to the garden arrangement the proposed development would bring the property closer at first and second floor to the shared boundary which would be overbearing and would provide direct overlooking of the private rear garden of No. 15.
7. Whilst overlooking does exist between properties in this area; the scale, positioning and design of the proposed development would diminish the levels of privacy currently experienced.
8. The Appellant has suggested a planning condition could be attached to control the installation and retention of obscure glazing to mitigate any overlooking. I

am not persuaded that this would overcome my concerns, even with obscure glazing there would be a sense of being under surveillance which would significantly diminish the enjoyment of the adjacent property.

9. I find that the proposed development would harm the living conditions of the occupiers of No. 15 Kirkwick Avenue.
10. There is conflict with Policy 72 of the St Albans District Local Plan Review (1994) which seeks amongst other things to ensure development respects the privacy and amenity of adjoining building.
11. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Other Issues

12. The appeal site is within the Harpendon Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area. The Council did not raise concern with regard to the character and appearance of the area and from the information I have before me I do not disagree.

Conclusion

13. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR