
Appeal Decision

Site visit made on 1 February 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/P1940/D/22/3304599

59 Chestnut Avenue, Rickmansworth, Hertfordshire, WD3 4HA

- 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 N Kashyap against the decision of Three Rivers District Council.
 - The application Ref 22/0199/FUL, dated 8 February 2022, was refused by notice dated 28 June 2022.
 - The development proposed is creation of a double wrap around extension and loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for creation of a double wrap around extension and loft conversion at 59 Chestnut Avenue, Rickmansworth, Hertfordshire, WD3 4HA, in accordance with the terms of the application Ref 22/0199/FUL, dated 8 February 2022, and the plans submitted with it, subject to the schedule of conditions set out on page 3 at the end of this decision.

Main issue

2. I consider that the main issue in this case is its effect on the living conditions of neighbouring residents.

Reasons

3. 59 Chestnut Avenue is a two storey detached house on a generous plot, located in an established residential area with a mix of similarly sized properties. The building line is slightly stepped and the land rises from south to north. No. 59 is set back from and at a lower level than No. 61 to the north and forward of and at a higher level than No. 57 to the south. There are trees subject to a group Tree Preservation Order at the rear of the site.
4. The policies relevant in this case are CP12 of the Three Rivers District Council Core Strategy 2011 (the Core Strategy), DM1 and Appendix 2 of the Development Management Policies LDD 2013 (the DMP), and Policy 2 of the Chorleywood Neighbourhood Plan 2021, which relate to the design of development, local distinctiveness and the protection of residential amenities.
5. The proposal is a revised scheme following previous refusals of planning permission for two storey extensions. The proposed single storey rear extension would replace the existing hipped roofed sun room with a similar sized flat roofed extension. The two storey extension would run along the

southern flank and project from the rear elevation by approximately 5m across part of the rear and stepped in depth so that it would be set away from the existing northern flank.

6. The Council raises no objection to the design of the proposal and its impact on the existing house itself or the wider street scene. I see no reason to disagree with this view.
7. Appendix 2 of the DMP recommends that rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property. Consideration in applying this principle will be given to the juxtaposition of properties, land levels and the position of windows on neighbouring properties.
8. This revised proposal aims to address previous concerns regarding the breaching of the 45 degree splay line with No. 61. The proposed two storey extension has been reduced in depth and width compared to the previous schemes. Although it would breach the splay line, I consider that it would not result in a situation significantly worse than that arising from the breach caused by the existing house which already intrudes on the splay line. Its potential impact is mitigated by the fact that No. 61 is set on higher ground than No. 59 and at the time of my visit there was a very tall evergreen hedge and a wooden fence between the rear gardens of the two properties which overshadow the rear of No. 61.
9. The proposal would have some impact on the outlook from the front of No. 57 which is set back from No. 59, in that it would be readily visible from the front garden and obliquely from the first floor front windows. However, No. 57 lies to the south of No. 61 and I consider that the proposal would not result in overshadowing or appear unduly overbearing.
10. Appendix 2 of the DMP allows for some flexibility in applying the 45 degree principle. The splay line with No. 61 is already breached and I consider that in this instance, the juxtaposition of the neighbouring buildings, the differences in levels and the existing overshadowing effect of the high hedge are such that the proposal would not have an unacceptable impact on the residential amenities of the neighbours.
11. I conclude that the proposal would not harm the living conditions of the occupiers of the neighbouring properties and that it is consistent with Core Strategy policy CS12 and DM1 and Appendix 2 of the DMP.
12. For the reasons given above, the appeal is allowed.

Conditions

13. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development. The conditions relating to the fitting of obscured windows and the restriction on any additional windows are necessary to safeguard the amenities of the occupiers of neighbouring residential properties. The condition relating to the trees is necessary to protect them from damage during construction.

Schedule of 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: CA-R00-EX-101 - TRDC 001 (Location Plan), CA-R00-EX-102 - Existing Floor Plans, CA-R00-EX-103 – Existing Roof Plan, CA-R00-EX-104 – Existing Elevations, CA-R00-PR-101- Site Plan, CA-R00-PR-102 Rev 09.05.2022– Proposed Floor Plans, CA-R00-PR-103 Rev 09.05.2022 – Proposed Floor Plans, CA-R00-PR-104 Rev 09.05.2022 – Proposed Floor Plans, CA-R00-PR-105 Rev 09.05.2022 – Proposed Elevations, CA-R00-PR-106 Rev 09.05.2022 – Proposed Elevations, CA-R00-PR-107 Rev 09.05.2022 – Proposed Section Views.
- 3) Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
- 4) Before the first occupation of the development hereby permitted the first floor flank windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.
- 5) No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority. The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings other than those expressly authorised by this permission shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.

PAG Metcalfe

INSPECTOR