



Appeal Decision

Site visit made on 28 February 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal Ref: APP/B1930/D/22/3294750

10A Bronte Close, St. Albans, Hertfordshire AL4 0FX

- 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 K Chan against the decision of St Albans City Council.
 - The application Ref 5/21/3579, dated 30 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is described on the application form as 'rear extension and garage conversion'.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension and garage conversion at 10A Bronte Close, St. Albans, Hertfordshire AL4 0FX in accordance with the terms of the application, Ref 5/21/3579, dated 30 December 2021, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with details contained in the planning application hereby approved, the Site Location Plan and drawing numbers mma.477, mp244 and mp2434.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Background and Main Issue

2. The appeal site falls within land defined as Green Belt. The Council is of the view that the development is not inappropriate development within the Green Belt as it falls within the exceptions set out in paragraph 149. In particular they indicate that the proposed development would not be a disproportionate addition to the property. From my assessment of the evidence before me, and what I saw on my site visit, I have no reason to disagree.
3. Against this background I consider the main issue is the effect of the proposal on the living conditions of the occupiers of No 10 Bronte Close and No 8 Shakespeare Close having particular regard to its effect on outlook.

Reasons

4. Policy 72 of the St. Albans District Plan indicates that single storey rear extensions should not 'normally' exceed 3 metres in depth. However, the wording of the policy allows scope for flexibility, taking into account the

particular circumstances of the individual proposals. I have approached this appeal with this in mind.

5. No 10 is a detached dwelling set a short distance to the south of the appeal property and has a modest sized rear garden. The rear walls of the respective properties are in line with each other. The window in the rear elevation of No 10, which would be closest to the proposed extension, is obscure glazed and is likely to serve a non-habitable room. Two clear glazed windows are located further along the rear wall. A tall boundary fence lies on the common boundary between the properties.
6. Whilst the proposed extension would be slightly higher than the existing boundary fence, given the relationship between the scheme and the windows, as set out above, it would not result in an overbearing form of development that would result in significant harm to the living condition of the occupiers of No 10. Furthermore, given the height of the existing boundary fence and the limited depth of the proposed extension, the proposal would not have a significant adverse impact on the rear garden of No 10.
7. No 8 is an end terrace property that sits forward of the appeal property. The appeal property has a side passage that provides pedestrian access to its rear garden, beyond which is a further passageway that provides pedestrian access to the rear gardens of Nos 8 and 9 Shakespeare Close. On my site visit I saw 2 clear glazed windows set in the rear wall of No 8, at ground floor level, which probably serve a habitable room.
8. Given the separation distance between No 8 and the proposal, the position of the windows in the rear elevation, and the presence of intervening boundary fences, the proposed rear extension would not have an overbearing impact on the living conditions of the neighbouring occupiers. Furthermore, given the separation afforded by the pedestrian access that serves Nos 8 and 9, the proposal would not have an adverse impact on the enjoyment of the garden space of No 8.
9. In conclusion, the proposal would not have a harmful effect upon outlook and as a result harm would not be caused to the living conditions of the occupiers of No 10 Bronte Close and No 8 Shakespeare Close. Consequently, the proposal accords with Policies 69 and 72 of the St. Albans District Plan which seek, amongst other matters, to protect residential amenity and provide a high standard of design.

Other Matter

10. I have taken into account the comments made by the occupiers of No 10 with regards to the provision of guttering and foundations. From the drawings before me I have no substantive evidence to indicate that any part of the proposed development would fall outside the curtilage of the appeal site. That said, if any work is required that affects land outside of the appeal site, this will need to be addressed as a civil matter between the respective parties.

Conditions

11. In the interests of the appearance of the area and certainty, conditions relating to the use of matching materials and the specification of the relevant drawings have been imposed.

Conclusion

12. The proposal would not conflict with the objectives of the National Planning Policy Framework or the development plan when taken as a whole. For these reasons, and having taken into account all other matters, I conclude that the appeal should be allowed subject to the conditions set out above.

John Gunn

INSPECTOR