

Appeal Decision

Site visit made on 21 March 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2023

Appeal Ref: APP/B1930/D/23/3316724

2 Milford Hill, Harpenden, Hertfordshire, AL5 5BH

- 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 S & A Mayer against the decision of St Albans City & District Council.
 - The application Ref 5/22/2175, dated 30 August 2022, was refused by notice dated 9 December 2022.
 - The development proposed is a two storey and single storey rear extension with roof lights and sun pipe, replacement windows and alterations to openings.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey and single storey rear extension with roof lights, sun pipe, replacement windows and alterations to openings at 2 Milford Hill, Harpenden, Hertfordshire, AL5 5BH in accordance with the terms of the application, Ref 5/22/2175, dated 30 August 2022, 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 the following approved plans: 425-01 and 425-02A.
 - 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.

Main Issue

2. There is one main issue which is the effect of the proposed rear extension on the living conditions of occupiers of 4 Milford Hill with respect to outlook.

Reasons

3. The appeal dwelling is a semi-detached, post-war house at the end of a row of similar dwellings. It lies adjacent to playing fields to the east and north-east. The rear elevation and that of the semi-detached pair face south-west with an open aspect to the rear. The appeal dwelling and its adjoining pair have living room windows in the rear elevation some 1m from the shared boundary which is marked by a fence about 1.8m high.
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4. The proposed development comprises a part two storey, part single storey rear extension which would be some 3.5m deep. The two storey element would be some 2.3m from the shared boundary and the Council raises no objection to this. I agree it would not cause harm to the living conditions of neighbours at No 4. The single storey element would abut the boundary and would have an eaves height of some 2.529m. Although the orientation of the dwellings would ensure that no material loss of light would occur at No 4 the Council is concerned that the single storey element of the proposed extension would appear overbearing when seen from the window in No 4.
5. Policy 72 (viii) of the City and District of St Albans District Local Plan Review (LP), 1994, states that single storey rear extensions shall not normally extend more than 3m rearward along a party boundary. The projection beyond this would be some 0.5m. I have therefore considered whether there are any matters that would amount to a reason to depart from the normal limit in this case.
6. Firstly, the living room served by the window is a dual aspect room with its larger window on the front elevation and facing towards the street. The rear window is thus a secondary window. Secondly, there is an existing 1.8m fence on the boundary which limits the existing outlook, and the proposed two storey extension would reduce this further. The loss of outlook would thus be limited to an area above the fence which would, in part, be restricted by the more distant two storey extension. Finally, the open, sunny aspect to the south and south-west across the garden at No 4 would be preserved.
7. Taking these matters into account I consider that, whilst the single storey element of the proposed extension would, as a matter of fact, conflict with Policy 72 (viii), it would comply with Policy 72 (v) which expects extensions to residential dwellings not to harm unacceptably the amenity of adjoining property. Moreover, neither the National Planning Policy Framework (NPPF) nor the National Model Design Code, 2021, both of which are more recent than the LP, place a limit on the size of extensions provided they, amongst other things, provide a high standard of amenity for existing and future users. I therefore find that in this case an exception to the normal limit of 3m for single storey rear extensions can be made without causing material detriment to the living conditions of occupiers of No 4.
8. It is concluded on the main issue that the proposed rear extension would have no materially harmful effect on the living conditions of occupiers of 4 Milford Hill with respect to outlook. In consequence, it would comply with LP Policy 72 (v) and the NPPF and as such the normal limit applied by LP Policy 72 (viii) can be relaxed in this case.
9. The Council raises no objection to the proposed roof lights, sun pipe, replacement windows or alterations to openings and I agree these would be acceptable.
10. Turning to conditions, the Council suggests two conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans and in materials which match those used in the existing building in order to protect the character and

appearance of the host dwelling and the surrounding area and for the avoidance of doubt.

11. For the reasons set out above and having regard to all other matters raised, including the lack of any objection from occupiers at 4 Milford Hill, I conclude that the appeal should be allowed.

KE Down
INSPECTOR