



Appeal Decision

Site visit made on 16 May 2023

by OS Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/N1920/D/22/3302535

54 Southgate Road, Potters Bar, Hertfordshire EN6 5DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
 - The appeal is made by Mr Suraj Megha against the decision of Hertsmere Borough Council.
 - The application Ref 22/0635/PD42, dated 8 April 2022, was refused by notice dated 20 May 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension at 54 Southgate Road, Potters Bar, Hertfordshire EN6 5DZ in accordance with the application Ref 22/0635/PD42, dated 8 April 2022, and the details submitted with it including drawing Nos 2203011 PL01, PL02, PL03, PL04, PL05, PL06 and PL07.

Preliminary Matters

2. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 Order) relates to extensions to a dwellinghouse, as is proposed. The house is a semi-detached property. It is not located in a conservation area nor any other Article 2(3) land. Paragraph A.1 of the 2015 Order sets out a number of restrictions on an extension in such circumstances, in particular that it can be up to 6m beyond the rear wall of the original dwellinghouse and up to 4m in height. The proposal complies with all the restrictions and is therefore 'permitted development' as set out in Part 1 Class A of the 2015 Order.
3. Paragraph A.4(7) of the 2015 Order confirms that, where the occupier of an adjoining premise objects to the proposal, 'prior approval' is required as to the impact of the proposal on the amenity of the occupiers of the adjoining premise. The occupier of an adjoining property, 52 Southgate Road, has objected to the proposal regarding loss of light. 'Prior approval' is therefore required with regard to the effect of the proposal on the living conditions of neighbouring occupiers. Paragraph A.4(9) makes it clear that this must consider the living conditions of all adjoining occupiers, which in the case of the appeal are the occupants of 52 and 56 Southgate Road and 24 Lake View.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring properties, specifically 52 and 56 Southgate Road and 24 Lake View.

Reasons

5. The property the subject of the appeal is a semi-detached dwelling. The adjoining property, No 52 Southgate Road, is to the north-west. In addition, No 52 is set at a lower level than the appeal property. Extensions to the rear of the appeal property would, therefore, affect the amount of sunlight received into the rear elevation of No 52.
6. There is an existing rear extension. It is proposed to demolish the existing rear extension and replace it with the proposed extension. The proposed extension would be 5m deep, 5.8m wide and up to 3m tall, albeit with the eaves at 2.8m. I acknowledge that the proposed extension breaches the 45 degree line from the neighbouring windows. However, so does the existing extension and, in any event, this does not necessarily mean that a proposal would have an unacceptable effect on the living conditions of neighbouring occupiers, which I assess below.
7. The proposed extension would present a slightly longer flank wall to No 52. However, the existing boundary includes not only the existing extension but also a bush largely in the location of the proposed flank wall. There would therefore be minimal worsening of the amount of sunlight received by No 52. For the same reason, there would be a very limited effect in terms of daylight, outlook and sense of enclosure.
8. No 56 to the south is set slightly away from the appeal property. It also lies to the south-east. The existing flank wall to No 56, which has no windows, runs further to the rear than the main rear wall of the appeal property. The proposed extension would only protrude slightly further rearwards than this main flank wall. The proposed extension would, therefore, only result in a very limited increase in sense of enclosure, or loss of sunlight or daylight, or harm to outlook to the occupiers of the property.
9. 24 Lake View is at the end of a long rear garden and the proposed extension would be viewed against the silhouette of the much larger existing rear elevation of the appeal property behind. There would therefore be no material effect on the occupiers of this property from the proposal in terms of loss of sunlight or daylight, sense of enclosure, or harm to outlook.
10. For the reasons set out above, there would be no material effect on the living conditions of occupiers of the neighbouring properties as a result of the proposal.

Other Matters

11. The objection from the neighbour also highlights an existing garden structure, errors in the submitted drawings and over-development of the site including a further planned loft conversion. There is an existing garden structure but this is not part of the proposal and it would not cause, in combination with the proposed extension, any further effects on the living conditions of the occupiers of neighbouring properties. The appellant has submitted a certificate of

lawfulness application¹ for a roof extension as part of a loft conversion. It is unclear if this has been granted although I can confirm following my site visit that it has not yet been built. In any event, this extension would not, either by itself or in combination with the proposed extension, result in the proposal not complying with the restrictions in Part 1, Class A of the 2015 Order. It is not, therefore, a material consideration.

Conclusion

12. For the reasons above, the appeal should be allowed and prior approval should be granted.

Conditions

13. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to conditions set out in Paragraphs A.3 and A.4(11) which specify that the materials be of similar appearance to the existing house and that the development must be carried out in accordance with the details as approved.

O S Woodward
INSPECTOR

¹ Council Ref 22/0634/CLP