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# Appeal Decision

Site visit made on 4 April 2023

**by D Wilson BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 June 2023**

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**Appeal Ref: APP/B1930/D/23/3317039**

**79 Orchard Drive, Park Street, St Albans, Hertfordshire AL2 2QH**

- 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 Mateo Golding against the decision of St Albans City and District Council.
  - The application Ref 5/22/2069, dated 16 August 2022, was refused by notice dated 23 January 2023.
  - The development proposed is single storey front, side and rear extensions. Two storey side extension.
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## Decision

1. The appeal is allowed and planning permission is granted for single storey front, side and rear extensions. Two storey side extension at 79 Orchard Drive, Park Street, St Albans, Hertfordshire AL2 2QH in accordance with the terms of the application Ref 5/22/2069, dated 16 August 2022, subject to the following 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 approved drawings No's. PRJ/22/006/100 and PRJ/22/006/101 rev B.
  - 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. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No's 77 and 81 Orchard Drive in relation to outlook.

## Reasons

3. The appeal property is a semi-detached two storey dwelling with a detached flat roof garage to the side, beyond which are attached storage buildings and sheds. No 77 Orchard Drive has a similar flat roof garage to the side of the property. The attached neighbouring property at No 81 has its rear two storey elevation in line with the two storey part of the host property.
4. No 77 sits at a slightly lower level than the appeal property and the occupier's current outlook from the rear facing windows is down the rear garden. From

this garden and the rear windows the outbuildings close to the common boundary are also visible.

5. The new extensions would be larger than the existing outbuildings on the site and would be visible from the rear windows and garden of No 77. However, the design, with the two storey element set off the common boundary, the limited rearward projection beyond No 77 and the roof shape and height, taken with the neighbouring dwelling being set off the boundary would ensure that the extension would not be intrusive or overbearing on the outlook from the rear of No 77. The open outlook down No 77's rear garden would not be affected by the proposal and the sense of separation between the respective properties would still remain.
6. The proposed rear extension would be located immediately on the common boundary with No 81 and would be located close to ground floor windows in the rear of this property. Currently the outlook is down a mature garden with a verdant outlook with a tall fence forming the common boundary.
7. Whilst the new rear extension would be constructed close to the rear facing windows of No 81 and would be visible from them, it would be of a limited height and rearward projection, such that it would not be overbearing on the outlook from them.
8. I acknowledge that the depth of the rear extension is over 3m which is contrary to criteria (viii) of Policy 72 of the City and District of St Albans District Local Plan Review Adopted 30 November 1994 (LP), however the wording of this criteria suggests some flexibility, and indeed criteria (v) seeks to ensure that the amenity of (the) adjoining property shall not be unacceptably harmed. Given the above I find that the depth of the extension in the context of the large, open rear gardens, well screened boundaries and height to the eaves would not result in an overbearing feature for the occupiers of No 81.
9. A previous planning application was refused for a scheme on the site and whilst the overall height of the appeal proposal has increased, alterations have been made to reduce the eaves height and change the design of the roof, which in my view, has addressed the harm to the outlook of the occupiers of Nos 77 and 81.
10. I conclude that the development would not harm the living conditions of the occupiers of Nos 77 and 81 Orchard Drive in relation to outlook. Accordingly, I find no conflict with Policies 69 and 72 of the LP or Policy S5 of the St Stephen Parish Neighbourhood Plan 2019 – 2036. Amongst other matters, these Policies seek to ensure development has a high standard of design taking into account the effect on adjoining properties with particular regard to amenity, ensuring that development does not result in an unacceptable loss of amenity for neighbouring properties. The development would also comply with paragraph 130 of the Framework which seeks to ensure development provides a high standard of amenity for existing users.

## **Conditions**

11. In addition to the standard condition which relates to the commencement of development, I have specified the approved plans for the avoidance of doubt. To ensure the satisfactory appearance of the development, a condition is

imposed to require that the external materials match those of the existing building, as proposed.

**Conclusion**

12. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, I conclude the appeal should be allowed.

*D Wilson*

INSPECTOR