



Appeal Decision

Site visit made on 4 July 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/K1935/D/22/3311929

6 Badgers Close, Stevenage, Hertfordshire SG1 1UH

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr L. Ames against the decision of Stevenage Borough Council.
 - The application Ref: 22/00796/HPA, dated 19 August 2022, was refused by notice dated 30 September 2022.
 - The development proposed is a single-storey flat roof rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) (the GDPO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination has been made on the same basis.

Main Issue

3. The main issue relevant to this appeal is the effect of the development upon the living conditions of the neighbouring properties, with regard to outlook.

Reasons

4. The appeal site consists of a terraced dwelling located in a residential area. The appeal site, and the neighbouring dwellings feature gardens that are relatively narrow in width. The side boundaries of the appeal site are marked by a combination of wooden fences and brick walls. The appeal site adjoins the dwellings known as 4 and 8 Badgers Close.
5. The proposed development would be for a single storey extension that would project for a significant distance into the rear garden of the appeal site. In addition, the proposed extension would have a height that would be greater than the fences and walls that serve as boundary treatments to the appeal site. This would occur even though the proposed development features a flat roof.
6. The proposed development would therefore result in an enclosing effect on the adjoining dwellings at Nos. 4 and 8. This would result in a loss of outlook for

- the users of the rooms served by the rear elevation windows, at ground floor level of both neighbouring dwellings, including the rear conservatory at No. 8.
7. In addition, the proposal would, by reason of its height and projection, have an enclosing effect upon the rear gardens of the two neighbouring properties. This would result in a reduction in the level of outlook available for the occupiers of the two neighbouring properties. As the rear gardens are the only locations where private outdoors recreation might take place, the lack of outlook for the users of these spaces would be particularly significant and harmful.
 8. The proposed development would be set back from the shared boundaries of the appeal site and the neighbouring dwellings of No. 4. However, the degree of setback would be relatively small. This means that the proposed extension would remain readily viewable from the neighbouring house and its garden. Therefore, the intended setback would not overcome the adverse effect arising from the depth and height of the proposed extension. This would also occur even though the nearby dwelling at 2 Badgers Close has not been extended.
 9. It has been suggested that an extension could be erected at the appeal site, under Permitted Development rights. This would not require any form of permission. However, even if this were to take place, the evidence before me is indicative that any such extension would have a much smaller projection. Therefore, even though the height would be greater, the overall mass of any such extension would be smaller than the appeal scheme. In result, this suggestion does not overcome my previous concerns.
 10. In addition, even if an extension were to be constructed, the appeal scheme would still be significantly longer than any permitted development scheme. This difference would contribute to a diminished level of outlook for the neighbouring occupiers. This would occur even though the development would not erode the light levels experienced by neighbouring occupiers.
 11. On my site visit, I noted that a conservatory had been constructed at No. 8 and that an extension had been constructed at the nearby dwelling at 10 Badgers Close amongst other extensions. However, these are built to smaller proportions than the appeal scheme before me. Therefore, they do not have the same level of effects as the proposed development would have. Therefore, they do not overcome my previous concerns.
 12. My attention has been drawn to extensions that have been permitted elsewhere. However, by reason of these being located on different sites, it therefore follows that they will have differing relationships with the neighbouring properties. This means that they would have different effects when compared to the appeal scheme. In consequence, the presence of extensions elsewhere does not allow me to forego my previous findings.
 13. I therefore conclude that the proposed development would have a detrimental effect upon the outlook of the occupiers of the neighbouring properties.

Conclusion

14. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR