



Appeal Decision

Site visit made on 10 October 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.10.2023

Appeal Ref: APP/B1930/D/23/3323969

13 Telford Road, London Colney, Hertfordshire, AL2 1PG

- 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 P Bignell against the decision of St Albans City & District Council.
 - The application Ref 5/23/0269 dated 5 February 2023, was refused by notice dated 5 May 2023.
 - The development proposed is demolition of existing porch and conservatory, construction of single storey front extensions and part single, part two storey rear extension with rooflights.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing porch and conservatory, construction of single storey front extensions and part single, part two storey rear extension with rooflights at 13 Telford Road, London Colney, Hertfordshire, AL2 1PG in accordance with the terms of the application ref 5/23/0269 dated 5 February 2023 subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
 - 2) The development shall not be carried out except in complete accordance with the details shown on submitted plans: 95_P_100_C (location and block plan), 95_P_102_C (floor plans proposed) and 95_P_104_D (proposed elevations);
 - 3) The materials used in the development hereby permitted shall match those of the existing dwelling or those stated on the submitted application form as appropriate unless details are submitted to, and approved in writing by, the Local Authority.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. There are several elements to the appeal proposal as outlined in the development description at the start of this decision letter. The Council's delegated report confirms that there are no reasons for refusal based upon the proposed front extensions or the two-storey rear extension. Based upon the evidence before me, and my site visit, I find no reason to conclude differently on these elements. The refusal reason is specific in its reference to the impact

of the proposed single storey rear extension so, for the avoidance of doubt, this appeal will focus upon this element in the context of the main issue outlined.

4. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. The refusal reason generically references the Framework however, it is not considered that this impacts upon the determination of this appeal given the main changes to the Framework.

Main Issue

5. The main issue is the impact of the proposal upon the residential amenity of neighbouring occupiers with regard to overbearing impact upon the occupiers of 15 Telford Road (no. 15).

Reasons

6. The proposed appeal site is a terraced property which characterised by a tiled roof, brick walls and white UPVC fenestration. There are several elements to the appeal proposal, as outlined in procedural matters, with part of the proposal seeking permission for demolition of the existing conservatory and construction of a part single-storey rear extension with rooflights. I note, from the submission documents before me, that the appeal site benefits from an existing planning permission under reference 5/2022/1593 which carries the same description as the proposal which is the subject of this appeal. This permission was granted in August 2022 so is, at the time of the determination of this appeal, still able to be implemented and is therefore a material consideration.
7. The main differences between the existing permission and the proposal, which is now before me, include an enlargement to the previously approved single storey rear extension by comparatively squaring off the rear wall. This would result in the space, left between the approved study along the boundary with no. 15 and the side wall of the existing extension at no. 11, being filled in. In addition, I note, from a comparison of the previously approved and now proposed elevations, that there would be an increase in height to part of the roof in comparison to the slightly lowered flat roofed area previously approved. Only a limited section of the flat roof would be raised by comparison, replacing the existing utility room, and I note that the outside wall itself would remain the same height and would be unchanged in all other respects.
8. Whilst each case should be considered on its own merits, I find that, in this case, the presence of the existing permission is a material consideration and the differences between the two proposals in relation to potential impact upon no. 15 are limited. Whilst the overall projection of the proposal would be deeper than 3 metres, the depth would not exceed that of the existing utility room on the boundary with no.15. Ultimately, the proposal utilises an existing utility room along the boundary with no. 15 and whilst the proposal would be taller than both the existing utility room, and part of the previously approved development, I do not find that this would automatically result in creation of an overbearing appearance for occupiers of adjacent no.15.
9. As part of my site visit, I stood in the rear garden of the appeal site and noted that no. 11 does, by way of comparison, benefit from a substantial extension which exceeds the depth of the proposal which is before me. In addition to

this, it is also of more notable height as is demonstrated by the dotted line on the submitted plans showing the section elevations. When stood within the appeal site, I did not find that this comparatively larger, and deeper, neighbouring extension resulted in a feeling of overbearingness. As a result of this I find it would be reasonable to conclude, therefore, that a shorter extension (which utilises an existing utility wall without any increase in depth) which is overall lower in height than the neighbouring example would not result in a feeling of overbearingness which would be sufficient to warrant refusal.

10. The modest increase in height is flat roofed and taking into account both the existing utility, and the previous permission, I do not find there are any grounds for refusal based upon overbearingness with regard to occupiers of no.15. In addition, I also note that the neighbouring amenity space at no.15 is of comparable length and width to the appeal site, meaning that I find that the proposal would not have any impact upon the general, overall, amenity of the neighbouring garden area. The proposed extension is not considered, by the Council, to result in unacceptable loss of daylight to no.15 and, based upon the evidence before me and my site visit, I have no reason to conclude differently on that matter.
11. Based upon the reasons above, I do not find that the height of the extension, and its proximity to the boundary, would result in an unacceptable overbearing impact upon the occupiers of no.15. The proposal would be consistent with St Albans District Local Plan 1994 (LP) Policy 72, which seeks to ensure that the effect on adjoining property is appropriately considered with the amenity of adjoining properties not being unacceptably harmed. The proposal would also be consistent with paragraph 130 f) of the Framework which should ensure that developments create places that have a high standard of amenity for existing and future users.
12. I note that the Council state that under LP Policy 72 extensions that are deeper than 3 metres would not usually be permitted. In this case, as discussed, I find that the existing permission and presence of the utility room along the boundary with no.15 to be a material consideration which, combined with an assessment as to residential amenity, confirms that the proposal is consistent with the overarching objectives of LP Policy 72 which seeks to prevent unacceptable harm to amenity for adjoining properties.

Other Matters

13. I note an objection to the proposal from 15 Telford Road; however, I have dealt with the matters raised within this objection within the main body of this decision. There is no restriction within the Framework which requires extensions to be 3 metres or less in depth. I have noted, and acknowledged, the guidance within LP Policy 72 regarding depths and, in this case, the extension does not exceed the depth of the existing extension along this shared boundary as noted above.

Conditions

14. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A condition relating to materials are

required to ensure a satisfactory external appearance which is in keeping with the host dwelling.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR