



Appeal Decision

Site visit made on 7 November 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2023

Appeal Ref: APP/A1910/D/23/3322514

29 Langley Hill, Kings Langley, Hertfordshire, WD4 9HA

- 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 Chris Baker against the decision of Dacorum Borough Council.
 - The application Ref 22/03760/FHA dated 20 December 2022, was refused by notice dated 28 February 2023.
 - The development proposed is one and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows.
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Decision

1. The appeal is allowed, and planning permission is granted for one and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows at 29 Langley Hill, Kings Langley, Hertfordshire, WD4 9HA in accordance with the terms of the application ref: 22/03760/FHA dated 20 December 2022 subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2230/02/-1E (proposed plans), 2230/02-2E (proposed elevations), 2230/02-3 (existing and proposed roof planning) and 2230/01-0 (block plans and site location map);
 - 3) The external finishes of the development hereby permitted shall match the existing dwelling or be as set out within the details outlined within the application form;
 - 4) The new window(s) at first floor level in the west elevation of the extension hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.

Procedural Matters

2. I have utilised the Council's description of the proposal as it describes the proposal more concisely.
3. This appeal is accompanied by an application for costs. This is the subject of a separate decision.
4. During the course of the application revised drawings were submitted as outlined within the appellant's submissions and noted within 4.2 of the

Council's committee report, however, the final decision notice appears to refer to incorrect plans which were superseded. I note, however, that the correct (revised) plans were listed within the draft conditions within 11.1 of the Council's report. For the avoidance of doubt, I have determined the proposal based upon those listed within the draft conditions of that report.

Main Issue

5. The main issue is the impact of the proposal upon neighbouring residential amenity with specific regard to overlooking and unacceptable loss of privacy.

Reasons

6. The appeal site is a two-storey detached residential dwelling located within a residential area of Langley Hill. There are several elements to the appeal proposal, however, the Council's refusal reason relates solely to the rear facing balcony with regard to overlooking and unacceptable loss of privacy. For the avoidance of doubt the main body of this decision letter will focus upon this element against the main issue identified. The other elements of the proposal were considered, by the Council and Planning Committee, to be acceptable and based upon the plans before me and my site visit, I have no reason to conclude differently. Despite this I will address comments made by third parties within this decision letter, where appropriate, for the avoidance of doubt.
7. The refusal reason does not reference a specific property in relation to overlooking or loss of privacy. The appeal site is neighboured by 31 Langley Hill (no. 31) to the west, 27 Langley Hill (no. 27) to the east and 5 Le Corte Close to the north. The Council's assessment considers the amenity of 5 Le Corte Close and given the separation, orientation and boundary features I have no reason to conclude that the proposal would have unacceptable impact upon that property.
8. No. 27 is located to the east of the appeal site which means that the proposed extension to the existing dormer window is screened by the existing dwelling and given this, and the presence of existing dormer windows in this elevation, means that there would not be a negative impact upon the neighbouring amenity of no. 27 with regard to privacy or overlooking from this element. Whilst the proposed one and half storey rear extension would have a depth in the region of 4.5 metres, it would not extend beyond the rear boundary of no. 27 itself by more than 3 metres which is generally acceptable with extensions of this nature. This is then combined with the site characteristics including it being located off the shared boundary with no. 27 at both ground level and first floor level which means the proposal would not result in overbearing impact.
9. There are already rear facing windows to the rear elevation of the appeal site and the proposed balcony would be a recessed roof terraced balcony with walls either side of the balcony space. I find that the balcony, with natural use, would most commonly direct views down the appeal site garden and the walls either side of the balcony screen would views directly towards no. 27 – much like a window. Overall, based upon the design of the proposed balcony essentially being a recessed roof terrace with walls either side, I do not find that the proposal would result in overlooking or any loss of privacy to no. 27.
10. No. 31 is located to the west. There is an existing dormer window on this elevation with the proposal seeking a slight enlargement which, given the

presence of the existing dormer window, would not have additional impact on the neighbouring amenity of the occupiers of no. 31 in relation to privacy. It is noted that there are no existing windows on the side elevation of no. 31 which further contributes to a lack of privacy concerns relating to the proposal. There are two proposed windows at first floor level which would face towards no. 31, however, from the floorplans I can see that these would both serve non-habitable rooms (bathrooms) which can be obscurely glazed, secured by condition, without detriment to the occupiers of the proposal as well as controlling any privacy concerns from the new windows in place.

11. The proposed one and a half storey rear extension, as previously outlined, would have a depth in the region of 4.5 metres and taking into account the separation distance and the presence of an existing single storey detached garage (to be replaced as part of the proposals) I do not find that the extension could reasonably be said to have a negative overbearing impact or cause loss of light to the occupiers of no. 31. The proposed extension would not intrude into the 45-degree line itself and, whilst it had been demolished at the time of my site visit, the existing garage which the proposal seeks to replace is already an established feature along the shared boundary with the proposed garage not extending any further along the boundary than the existing garage. Given the similar size and location as the previous garage, the replacement garage cannot be said to have a negative impact on the neighbouring amenity of the occupiers of no. 31 which would warrant refusal.
12. In a similar manner to no. 27, the proposed balcony, as a recessed roof terrace, has a wall to the side which faces towards no. 31 which would prevent direct views towards the property and garden area immediately to the rear of the neighbouring property. There are already rear facing windows to the rear elevation of the appeal site and the proposed balcony facing towards the rear would, I find, function in a similar manner to a large bedroom window and would not result in overlooking or loss of privacy which would warrant refusal.
13. I find that the proposal has been designed in a way to minimise potential harm to the privacy of adjoining properties as a result of the provision of in-built screening on both sides which ensures outlook from the balcony is directed rearward and prevents future occupiers of the proposal from looking back towards neighbouring properties or the amenity space immediately to the rear of those respective properties. Overall, the balcony is limited in terms of functional space due to its pitched form and modest depth. I also note from the floorplans, that the balcony could only be accessed off what would essentially be a master bedroom suite. The balcony is not connected to, for example, the kitchen or dining area which may mean that it would be more commonly utilised by visitors to the site which, combined with the overall size, means that the ultimate use of the balcony would be limited and cannot be said to present potential for intensive use or overlooking/loss of privacy to the detriment of neighbouring properties.
14. I do not find that the proposal would result in 180-degree view of the neighbouring garden or that there would be views of the entire area. Views from the balcony would be comparable to windows in a rear elevation with natural views down the garden, and to the ends of neighbouring gardens, being entirely appropriate and natural within a built-up residential area of this nature. The three steps down from the kitchen on plan would lead to the existing garden area and given the natural use of the existing amenity area and

neighbouring boundary treatments I do not find that a condition is required to be imposed on this point. The proposal would always be conditioned, in any case, to be in accordance with the approved plans as submitted.

15. I have had regard for the photographs submitted from page 12 of the addendum prepared by objectors. Whilst I acknowledge that the level of glazing and balustrading would be greater than a standard window, I do not find that this would result in increased levels of overlooking or intrusion into neighbouring privacy for the reasons I have outlined above. Whilst the balcony would, of course, be elevated due to its position a degree of overlooking, is commonplace in a residential area and I do not find that the proposal would increase the opportunity for overlooking further than, for example, a full-length bedroom window. Photographs C and D, for example are taken from the bottom of the garden facing back to the appeal proposal where I find that views of the bottom of neighbouring gardens would in any case be possible at a comparable level from the existing windows. Photograph 1A is noted, however, as noted in my assessment above, the proposal would not extend beyond the rear boundary of no. 27 itself by more than 3 metres. The existing impact of a property on Le Corte Close is noted, however, is not a consideration within this appeal as it is not linked to the proposal before me.
16. The proposal would be consistent with Dacorum's Local Planning Framework Core Strategy 2013 Policy CS12 which requires that development should avoid visual intrusion, loss of privacy and disturbance to the surrounding properties.

Other Matters

17. I note extensive objections have been submitted in relation to the proposals. Such comments are noted to have been submitted both during the application period itself as well as in response to the Council's Committee Report. The objections, received in response to the Council's Committee Report, were directly submitted to the Planning Committee as an addendum and in that regard, it is fair to say that members of the Planning Committee were also able to take into account the full objections raised by neighbours when making their decision. Whilst the proposal was refused by committee it was so for a single refusal reason which related to overlooking and unacceptable loss of privacy in relation to the rear facing balcony only.
18. Based upon the evidence before me, and my site visit, I find no reason to conclude differently on the alternative matters which have been considered by both the Council Planning Officers and the Planning Committee and were raised in the objection submissions. I will, however, summarise the main comments for the avoidance of doubt for the benefit of interested parties.
19. Concern has been raised over the accuracy of the plans provided, however, the site location plan (2230/01/0) clearly shows the outline of the appeal site and contains a boundary which contains the entire area where the proposed works would take place. The Council note that previous applications for the site, albeit not before me, also show the same boundary. A difference in land levels is demonstrated on the proposed plans and, following my site visit, I find that the plans are appropriate and proportionate in demonstrating both the proposals as well as their relationship with adjoining and neighbouring properties. There is no requirement to go beyond what has been submitted in terms of labelled illustrations of neighbouring properties. Information surrounding neighbouring properties has been included, where required, for

example in relation to the submitted daylight estimates. I am satisfied, from the plans before me, that the Council's amended description is accurate in reference to the proposal being a one and a half storey extension.

20. I note that the Council have, following on from comments received from objectors, sought comment from the Conservation and Design Officer who confirmed that the proposal would not have a negative impact on the area. Based upon my site visit, I have no reason to conclude differently with the Council's assessment as to design quality or any impacts upon the character and appearance of the street scene in terms of visual and residential amenity. Comments have been made relating to the materials of the proposal, however, both the Council note (and I note from my site visit) that dwellings in the immediate area are subject to a varied material palette and do not find that the proposed materials would be inappropriate for the varied character and appearance of the area.
21. BRE Daylight and Sunlight Guidance has been considered. This illustrates the 45-degree/25-degree approach. With this approach, if the centre of the neighbouring window lies on the extension side of both of the lines, then the extension *may* cause a reduction in light received by the window and more detailed calculations would be required. I can see that submissions of this nature are based upon a worst case assumption/scenario and do take into account the potential difference in site levels. Taking into account the worst-case assumptions provided, the proposal still passes the BRE daylight guidance. Ultimately, the 45-degree code is guidance and is utilised to assess the impact of a proposal upon sunlight and daylight and the proposed rear extension is located off the shared boundary by what I find to be an appropriate distance to prevent loss of light which would warrant refusal. A daylight/sunlight assessment is not necessary for the garage proposal as it is single storey and comparable to an existing garage which was already on site but despite this, I note the appellant's submission of such information which has gone as far as covering worst case scenarios to ensure that the proposal has been appropriately assessed in that regard.
22. Removal of trees within the appeal site could be undertaken without any consent if the appellant wished to do so and the Council confirm that the tree is not subject to a Tree Preservation Order nor is the appeal site located within a conservation area where tighter controls would be in place for such matters. Concerns relating to a neighbouring amenity with regard to the patio are noted, however, the patio is omitted from the plans upon which a decision has been made and the proposal is of an appropriate quality of design.

Conditions

23. The Council has suggested a number of conditions. 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 is required to ensure the proposal matches the host building and that any deviations in materials from existing are approved by the Council or as set out within the application form to ensure an appropriate finish and a condition relating to glazing on the first floor, west elevation, window is required to protect the amenity of adjacent

dwellings. The approved plans acknowledge a need for obscure glazing in new side facing windows to the west elevation.

Conclusion

24. 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