
Appeal Decision

Site visit made on 20 February 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2024

Appeal Ref: APP/B1930/W/23/3326174

3 Elderberry Close, Bricket Wood, St Albans, Hertfordshire AL2 3RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Manny Chahal against the decision of St Albans City and District Council.
 - The application Ref 5/23/1029, is dated 13 May 2023.
 - The development proposed is the erection of a double storey front infill extension and changes to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a double storey front infill extension and changes to fenestration at 3 Elderberry Close, Bricket Wood, St Albans, Hertfordshire AL2 3RP in accordance with the terms of the application, Ref 5/23/1029, dated 13 May 2023, 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 following approved plans: 3502 PL 01; 3582 PL 02 and 3582 PL 03;
 - 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.

Procedural Matter

2. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

4. The appeal property is a chalet style detached bungalow situated in a cul-de-sac of 5 similarly designed dwellings. These chalet bungalows are located to the rear of dwellings which front Bucknalls Drive. The property's front

elevation faces towards the rear boundary of 25 Bucknalls Drive and, to a lesser degree, No. 23. However, the property is set back from this boundary because of its front garden, an access road and landscaping strip.

5. At first floor level within the front elevation of the property is a window which serves a bedroom within the roofspace and has an outlook towards Nos. 23 and 25. The proposed development includes a 2-storey side extension which would alter the fenestration of the property. The proposed alteration to the fenestration include an enlargement of the existing bedroom window within the front elevation and the creation of another opening to serve an additional bedroom created within the front extension.
6. Within most urban areas some degree of overlooking between dwellings inevitably occurs and this is already the case with the property's existing bedroom window which faces towards Nos. 23 and 25. The proposed development would not result in the enlarged or additional openings being closer to the boundary than the existing window and, as such, there would be no material change in the degree of overlooking of the gardens of Nos. 23 and 25. In reaching this judgement, account has been taken that the windows would serve bedrooms which are more likely to be occupied at night time and usually with drawn curtains or closed blinds.
7. Further, there would remain a separation distance between the enlarged property and these neighbouring dwellings in excess of 27 metres which the Council has identified as being the required distance between the windows of habitable rooms referred to in Policy 70 of the St Albans District Local Plan Review (LP). Overall, and although the fenestration within the front elevation of the property would be altered by the proposed front extension, the privacy of the occupiers of Nos. 25 and 23 would not be materially altered from the current situation.
8. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would not conflict with LP Policy 72 which refers to extensions not unacceptably harming the amenity of adjoining properties.

Other Matters

9. Other matters which have been raised by local residents include availability of car parking and the resulting property being out of character with the surrounding area. However, there is no specific evidence that an additional bedroom would increase the need for additional car parking spaces beyond the available on and off-plot spaces. During the daytime site visit there was no obvious sign of on-street parking stress whether along Elderberry Close or Bucknalls Drive.
10. The proposed extension would be subservient in scale to the property and would not materially alter its appearance, particularly where the use of external materials to match the existing property could be secured by a condition if the appeal succeeds. The resulting property would be of a different design and form when compared to the other dwellings but would not be so conspicuous so as to cause harm to the character and appearance of the streetscene along Elderberry Close and the surrounding area where there are a variety of dwelling forms and designs.

11. Any contractual matters associated with the sale of land to enable the erection of the dwellings along Elderberry Close are not material planning considerations affecting the assessment of this appeal scheme.

Conditions

12. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed extension in accordance with the approved drawings. As already identified, to assist with the assimilation of the appeal scheme into the streetscene a condition for the external materials to match those of the property is necessary.
13. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR