
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/D/24/3336240

1 Lindley Close, Harpenden, Hertfordshire AL5 4HS

- 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 Oliver Andrew against the decision of St Albans City and District Council.
 - The application Ref 5/23/1416, dated 3 July 2023, was refused by notice dated 18 December 2023.
 - The development proposed is a garage conversion, single storey front extension and demolition and rebuilding of rear lean to extension.
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Decision

1. The appeal is allowed and planning permission is granted for a garage conversion, single storey front extension and demolition and rebuilding of rear lean to extension at 1 Lindley Close, Harpenden, Hertfordshire AL5 4HS in accordance with the terms of the application, Ref 5/23/1416, dated 3 July 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, including its external surfaces, shall be carried out in accordance with the following approved plans:
115_1100 Rev A; 115_1100 Rev A; 115_1200 Rev A; 115_1300 Rev A;
115_1400 Rev A; 115_1450 Rev A; 115_1500 Rev A; 115_2000 Rev A;
115_2050 Rev A; 115_2100 Rev A; 115_2150 Rev A; 115_2200 Rev A;
115_2300 Rev A and 115_2400 Rev A.

Procedural Matters

2. For reasons of clarity, the description from the Council's Decision Notice has been adopted.
3. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023 after the determination of the appeal application. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issue

4. It is considered that the main issue is the effect of the proposed rear extension on the living conditions of the occupiers of 2 Lindley Close.

Reasons

5. The appeal property is an end of terrace dwelling located within a primarily residential area which includes a single storey rear addition with a sloping roof. The proposed development includes the partial demolition of this addition but retains the existing wall on the shared boundary with 2 Lindley Close. This wall would not extend further rearwards than what currently exists and its maximum height adjacent to the shared boundary would be reduced. The floorspace of the existing addition would be incorporated into a full width rear extension with a flat roof. This flat roof would extend rearward to create a small covered yard with an existing fence panel being replaced by a taller veiled timber fence.
6. When compared to the current addition, the siting, depth and height of the proposed extension would not materially alter the outlook of the occupiers of No. 2, in particular the massing of the brick flank wall. The proposed overhanging of the roof above the covered yard would represent an additional built form of development but this would not be a visually or physically intrusive addition when viewed from the openings and patio to the rear of No. 2. What would be seen is the veiled fence which would be typical of a boundary treatment between gardens rather than a wall associated with an extension. Overall, the proposed rear extension and associated covered yard would not be an overbearing form of development in the outlook of the occupiers of No.2.
7. The Council has not objected to other elements of the appeal scheme and there are no reasons to reach a different judgement. Accordingly, it is concluded that the proposed rear extension would not cause unacceptable harm to the living conditions of the occupiers of 2 Lindley Close and, as such, there would not be a conflict with Policy 72 of the St Albans District Local Plan Review. This policy refers to extensions not unacceptably harming the amenity of adjoining properties.

Conditions

8. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed development in accordance with the approved drawings. A condition to secure the use of external materials to match the host property is unnecessary because they are specified on the drawings.
9. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR