



Appeal Decision

Site visit made on 6 March 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2024

Appeal Ref: APP/P1940/D/23/3335036

32 Oak Green, Abbots Langley, Hertfordshire, WD5 0PG

- 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 Mrs Liuba Barbulescu against the decision of Three Rivers District Council.
 - The application Ref 23/1372/FUL, dated 15 August 2023, was refused by notice dated 25 October 2023.
 - The development proposed is part single, part two storey front and side extensions.
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Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey front and side extensions at 32 Oak Green, Abbots Langley, Hertfordshire, WD5 0PG in accordance with the terms of the application Ref: 23/1125/RSP dated 15 August 2023 and in accordance with the conditions set out in the attached schedule.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on highway safety.

Reasons

Character and appearance

3. The appeal property is an end of terrace two storey dwelling. The juxtaposition of Oak Green in this location is such that Number 32 does not directly front the road but is set back from a turning area. A footpath provides access to the road and parking area.
 4. The dwelling has a garden area to the front, a large part of which is off-set to the front of the dwelling, as well as a substantial rear garden. Beyond the dwelling to the side there are two rows of garages, one of which provides an assigned off-road parking space for the appeal property.
 5. The appeal property is located in a residential area characterised by the presence of detached, semi-detached and terraced brick-built two storey dwellings. During my site visit, I observed that many dwellings have been altered and/or extended and that such changes tend to appear in keeping with host dwellings and the surrounding area.
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6. Dwellings tend to be set well back from roads and the presence of small front gardens, larger rear gardens, street trees, hedgerows and areas of public open space combine to provide for a sense of greenery and spaciousness.
7. The appeal property is situated in a discreet location, such that it is not widely visible but appears partly hidden within its surroundings, a considerable distance away from the road.
8. Taking this into account, whilst the proposed development would project to the side and front of the host property, I find that it would do so in an entirely unassuming way. The proposed extension would make use of a private side garden area and it would be constructed in materials selected to match the host dwelling.
9. In this way, the proposal would add living space in a manner which would appear in keeping with the host property and its surroundings. It would appear neither cramped nor prominent, but as an extension designed to fully integrate with and complement, the appearance of the host dwelling.
10. Further to the above, whilst the Council's decision notice refers to "a potential shortfall in amenity space," it is not clear, in the absence of any substantive information, what this "potential shortfall" actually comprises. Notwithstanding this and in any case, I am mindful that the appeal property has a considerable garden to the rear, in addition to other garden space and there is no substantive evidence before me to demonstrate that the proposal would result in insufficient amenity space.
11. Taking all of the above into account, I find that the proposal would not harm the character and appearance of the area and would not be contrary to the National Planning Policy Framework; to the Council's Core Strategy (2011) Policies CP1 or CP12; or to the Council's Development Management Plan (2013) Policy DM1, which together amongst other things, seek to protect local character.

Highway safety

12. One of the Council's reasons for refusal states that the proposal "has the potential" to result in an increased shortfall of parking provision. However, the proposed development would not increase the number of bedrooms within the dwelling and consequently, the existing parking requirement – or potential shortfall, whatever that may be – would not change as a result of the proposal.
13. The appeal property has an assigned parking space and it is not clear to me in the absence of any substantive information, why a proposal that does not increase the number of bedrooms at the property would result in an increase in the demand for car parking spaces.
14. Given the above and the absence of any substantive evidence in support of the Council's case, I cannot conclude that, as stated by the Council, the proposal would result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of highway users.
15. Consequently, I find that the proposal would not harm highway safety and would not be contrary to the National Planning Policy Framework; to the Council's Core Strategy Policies CP1, CP10 or CP12; or to the Council's

Development Management Plan (2013) Policies DM1 or DM13, which together amongst other things, seek to protect highway safety.

Conditions

- 16.I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
- 17.A condition requiring materials to match those of the existing house is necessary to protect the character and appearance of the host property and wider area.
- 18.A condition preventing windows or openings in the flank elevations other than those permitted is required in the interests of residential amenity and local character.
- 19.A condition preventing the use of the extension as a separate and independent unit is necessary in the interests of sustainable development.

Conclusion

- 20.For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/P1940/D/23/3335036
32 Oak Green, Abbots Langley, Hertfordshire, WD5 0PG**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision;
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building;
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans 723/D0002 Rev B; Proposed Elevations 723/D003 Rev B; Block Plan 723/D004 Rev B; Parking Plan 723/D005.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows or similar openings other than those expressly authorised by this permission shall be constructed in the flank elevations of the extensions hereby approved;
- 5) The extension hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.