
Appeal Decision

Site visit made on 11 June 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 28.06.2024

Appeal Ref: APP/B1930/D/24/3343077

13 Burnham Road, St Albans, Hertfordshire AL1 4QN

- 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 M and Mrs A Hobbs against the decision of St Albans City and District Council.
 - The application Ref 5/23/1884, dated 8 September 2023, was refused by notice dated 1 February 2024.
 - The development proposed is described as the erection of a part two-storey, part single storey rear extension, attic conversion with rear dormer, flat rooflights to rear, pitched rooflight and solar PV installation to front elevation, new obscure glazed windows to side elevation, removal of redundant chimney and external wall treatment (insulated render).
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 11 Burnham Road.

Reasons

3. The appeal property is a 2-storey dwelling located within a primarily residential area of similarly designed properties. The proposed development includes a part single/part 2-storey rear extension. The single storey element would wrap around the side and rear elevations of the current 2-storey outrigger. The flank wall of this element would be sited about 0.9 metres from the shared boundary with 11 Burnham Road. The 2-storey element would increase the width of the existing outrigger at first floor level with the side elevation being sited circa 1.5 metres from the shared boundary with No. 11. In addition, above the original outrigger there would be a dormer extension with its side elevation being erected approximately above the outrigger's existing flank wall.
4. Within the rear elevation of No. 11 there are windows serving habitable rooms at ground and first floor levels. Openings serving a kitchen are within the side elevation of this neighbouring property's outrigger. Although there is a wooden fence and a cherry tree sited along the shared boundary, there is an outlook from these openings towards the appeal property and the proposed rear extension. This outlook equally applies to the surfaced area between the outrigger of No. 11 and the shared boundary.

5. The appellants have identified that prior approval could be sought for additions to the rear of the property. There is no evidence of prior approval having been sought for such additions. In any event, such additions would only be single storey in height and subject of restrictions on their length in relation to the existing footprint of the property. Such additions would not be directly comparable with the proposed rear extension and, as such, only limited weight is given to this potential fallback position in the assessment of the appeal scheme.
6. Although there might be scope to erect a single storey extension, because of the proposed increased width of the outrigger, the siting of the dormer's side elevation and the length of the single storey rear extension sited 0.9 metres from the shared boundary, this is a case where the cumulative impact of these elements of the appeal scheme would be visually conspicuous and overbearing for the occupiers of No. 11. The outlook for the neighbouring occupiers from the identified openings and the surfaced area would be adversely affected by the proposed rear extension. This judgement takes into account that the flank walls of the proposed extensions would be stepped back, the roofs of the 2-storey element would slope away from the shared boundary and there is a secondary opening within the rear elevation of the outrigger at No. 11.
7. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 11 Burnham Road, by reason of being overbearing, and, as such, there would be a conflict with Policy 72 of the St Albans District Local Plan Review and the National Planning Policy Framework (the Framework). Amongst other matters this policy requires extensions not to cause the amenity of adjoining property to be unacceptably harmed and the Framework requires a high standard of amenity for existing and future users. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR