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## Appeal Decision

Site visit made on 12 February 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 February 2025**

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**Appeal Ref: APP/B1930/D/24/3351392**

**16 Hazel Road, Park Street, St Albans, AL2 2AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Shakeel Kadri against the decision of St Albans City & District Council.
  - The application Ref is 5/24/0659.
  - The development proposed is a two storey rear extension with roof alterations to incorporate loft conversion with dormer.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. There is one main issue which is the effect of the proposed extension on the living conditions of occupiers of 14 Hazel Road with respect to outlook.

### Reasons

3. The appeal dwelling was built as a modest, traditional, detached, double fronted bungalow under a hipped roof. It stands on an extensive plot. Its neighbours, Nos 14 and 18 are similar. The appeal dwelling and No 18 have both been extended to the rear in the past and I agree with the Council that the extension now proposed would not harm the living conditions of occupiers of No 18. No 14 remains as built.
4. The appeal dwelling originally had a rear elevation on a similar building line to No 14. However, a flat roofed extension about 1m from the shared boundary now projects well beyond this. The existing extension is L-shaped and projects about a further 5.7m close to the boundary with No 18 but this is set well away from the boundary with No 14.
5. The proposed development would involve infilling the L such that the extended ground floor extension would project, in total, some 9.7m beyond the rear elevation at No 14. A roof extension would be built above this and the original bungalow to create accommodation at first floor. This would involve raising the roof height by almost a metre to 6.95m, ending in a flat top, and increasing the roof pitch.
6. When seen from the rear windows in No 14 the effect would appear as an overwhelming mass of built development in close proximity to the boundary. In terms of both its depth and height it would appear to loom over the rear of No 14, including the garden. This would have an unacceptably overbearing effect on outlook.

7. I agree with the Council that loss of daylight at No 14 would be limited but the increase in the height and bulk of the roof would result in additional shading in the garden at No 14 during the afternoon and evening which would add to the overbearing effect of the extension.
8. The appellant draws my attention to a planning permission that was granted at No 14 in 2019 for a similar rear extension and roof extension to that the subject of this appeal. However, the extension at No 14 would have had a depth of about 6m beyond the original rear at No 14 and so its projection beyond the existing extended rear at No 16 that is close to the shared boundary would have been limited, compared with the appeal scheme that proposes an overall extension some 9.7m deep. The development at No 14 was assessed by the Council at the time not to harm the living conditions of neighbours. It does not, therefore set any precedent for the appeal proposal. In any case, that permission was not implemented and has now lapsed.
9. It is concluded on the main issue that the proposed extension would, owing to its proximity to the shared boundary, height and rearward projection, have a materially harmful effect on the living conditions of neighbours at No 14 with respect to outlook. In consequence it would conflict with Policy 72 of the City and District of St Albans District Local Plan Review, 1994 and the National Planning Policy Framework. Taken together and amongst other things these expect development, including residential extensions, to provide a high standard of amenity for existing and future users. In particular, the amenity of adjoining property shall not be unacceptably harmed.
10. The appellant has drawn my attention to his personal circumstances. I am sympathetic to all of these. However, the need for more space to accommodate family and rehabilitation facilities would not outweigh the harm to the living conditions of occupiers at No 14 which would continue long after the appellant's personal need for the space.
11. For the reasons set out above and having regard to all other matters raised, including the representations of the St Stephens Parish Council and other third parties, I conclude that the appeal should be dismissed.

*KE Down*  
INSPECTOR