



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

Appeal Ref: APP/B1930/D/24/3353891

16 West View Road, St Albans, Hertfordshire, AL3 5JX

- 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 Rory Harcourt against the decision of St Albans City & District Council.
 - The application Ref is 5/24/0889.
 - The development proposed is demolition of existing rear projection and erection of single storey side and rear extension with internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear projection and erection of a single storey side and rear extension with internal alterations at 16 West View Road, St Albans, Hertfordshire, AL3 5JX in accordance with the terms of the application, Ref 5/24/0889, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos 529524-1 and 529524-002.

Application for costs

2. An application for costs was made by Mr Rory Harcourt against St Albans City & District Council and this is the subject of a separate Decision.

Main Issue

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

Reasons

4. The appeal dwelling is a modest, traditional terraced villa in a street of similar dwellings. It lies within the St Albans Conservation Area (CA) and is a locally listed building. The Council raises no objection to the proposed extension on grounds of character or appearance and finds that it would not harm either the CA or the

locally listed building. I agree. I shall therefore restrict my further consideration to the effect of the proposed extension on the living conditions of neighbours.

5. The appeal dwelling has a two storey rear outrigger with short single storey projection beyond. The side return is narrow and about 3.95m deep. There is a similar side return at No 14 but at that dwelling the full depth of the outrigger has two storeys. The appeal dwelling and its neighbours are on a sloping site with the land rising up from the street. This means that the rear gardens rise up from the rear of the dwellings.
6. The proposed extension would infill the side return and replace the single storey section to the rear of the two storey outrigger. It would have an eaves height of about 2.2m adjacent to the shared boundary which would increase slightly at the garden end around a feature parapet. The extension would be some 3.95m deep.
7. No 14 has a rearward facing window at the back of its side return which already has restricted outlook due to the outriggers at both Nos 14 and 16. It also has a side facing window in the outrigger that appears to be a secondary window serving the habitable kitchen which has its main window facing to the rear. However, although the proposed extension would be close to No 14, in view of its modest depth and eaves height and the lack of any projection beyond the existing outrigger, I do not consider that the limited effect on outlook would be materially detrimental to the living conditions at No 14. In particular, I do not find that the slight increase in eaves height around the parapet would have a materially noticeable effect. Moreover, a close boarded fence which already marks the boundary currently reduces outlook and could be increased in height to 2m under permitted development rights.
8. The Council notes that the extension would project over 3m from the rear wall of the dwelling and this would fail to comply with Policy 72 of the City and District of St Albans District Local Plan Review (LP), 1994, which states that single storey rear extensions shall not normally extend more than 3m rearward along a party boundary. However, I consider that the proposed additional depth, to match the end of the outrigger, would not in this case cause material detriment.
9. The appellant has drawn my attention to a very similar extension in terms of depth and height which was allowed under the same policy framework at a similar dwelling in a neighbouring street. The key difference appears to be the feature parapet on the proposed extension. Although each case must be considered on its own merits, which I have done, this other example does indicate that the Council has applied its own policy flexibly in the context of a similar proposal.
10. It is concluded on the main issue that the proposed demolition of the existing rear projection and erection of a single storey side and rear extension with internal alterations would have no materially harmful effect on the living conditions of occupiers of No 14 with respect to outlook. In consequence, it would meet the objectives of LP Policy 72, which expects extensions to protect the amenity of adjoining property, notwithstanding a conflict with the detail regarding the depth of rear extensions. In view of the lack of harm and the fact that the Council has applied its own policy flexibly in similar circumstances, I find this conflict does not weigh heavily against the development and the appeal should succeed.

11. Turning to conditions, I agree that, in addition to the statutory commencement condition, the development should be carried out in accordance with the approved plans to ensure certainty and that it should be built in matching materials to preserve the character and appearance of the locally listed dwelling and the CA.
12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR