
Appeal Decision

Site visit made on 1 April 2025 by M Long BA (Hons) MSc MRTPI

Decision by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/N1920/D/24/3354440

9 Three Valleys Way, Bushey, Hertfordshire WD23 2FF

- 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 R Mylarapu against the decision of Hertsmere Borough Council.
 - The application Ref is 24/0945/HSE.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers at 7 Three Valleys Way (No 7), with particular regard to outlook and daylight/sunlight.

Reasons for the Recommendation

Outlook

4. The appeal site is a three-storey, end-of-terrace dwelling. Its attached neighbour, No 7, has a long but narrow rear garden that shares a tall boundary fence with the site. No 7 has a rear window positioned close to this shared boundary, as well as glazed doors that are set further away.
5. The combination of the proposal's substantial depth, its position against the shared boundary and its projection above the existing boundary fence would have an overbearing effect when viewed from the rear of No 7. While the pitched roof design would slope upwards and away from No 7, it would still be clearly visible from the neighbouring rear glazed openings and garden.
6. The proposal may have a modestly increased depth when compared to a scheme previously approved at the site (LPA Ref: 23/1788/HSE). However, when taking into account the narrowness of the rear garden at No 7, the enclosing effect of this additional depth would be experienced more acutely by the neighbouring occupiers, which would be detrimental to the quality of their outlook. Even if the previously approved extension already breaches a 45-degree line taken from the nearest

neighbouring window at No 7, this does not overcome my concerns in relation to the overbearing effect of the appeal scheme, which would be materially larger.

7. My attention has been directed to developments in the surrounding area including at 21 Three Valleys Way, 26 Wright Close and 27 Wright Close. The full details of these schemes are not before me and so I cannot be certain of the planning context in which they received planning permission, including whether they have similar dimensions to the proposal. While these examples indicate that rear extensions may be prevalent in the wider locality, they do not provide a compelling reason to justify allowing the appeal scheme, which would be harmful to the living conditions of neighbours.
8. The scheme would conflict with the Planning and Design Guide: Supplementary Planning Document (SPD) Part E: Guidelines for Residential Extensions and Alterations (2006) (Part E) which seeks to prevent extensions that adversely affect adjoining residents. There would also be conflict with the SPD Part D: Guidelines for High Quality Sustainable Development (draft version 2016) which sets out new development should be designed so that residential outlook for existing homes is not unduly affected. Even though these documents date from a number of years ago, their general aims to protect living conditions remain relevant to the consideration of this appeal.

Daylight/Sunlight

9. The Council's guidance set out in the SPD Part E suggests that rear extensions should be set comfortably within the line drawn at 45 degrees from the nearest edge of the neighbouring front or rear facing windows, and that only windows to a habitable room or kitchen will be taken into consideration. With regard to light, the appellant's evidence contends that the British Research Establishment (BRE) guidelines require the 45-degree line to be applied both on plan and in elevation, to determine if light would be adversely affected by a development.
10. The proposed extension would project above the fence and the ground floor windows of the host property and No 7. I observed that the position of the proposed extension to the west of the nearest ground floor window to No 7 is likely to reduce the amount of direct sunlight received by the window. This would however, be limited to late afternoon sun, particularly in winter when the sun is lower in the sky. Any loss of direct sunlight would thus be minor and not unduly harmful to the living conditions of the neighbouring occupiers. The open garden area in front of the window would remain such that the amount of daylight would be largely unaffected by the proposal.
11. My observations thus accord with the appellant's Daylight/Sunlight Report (December 2023) which concludes that the proposal meets the expectations set out in the BRE guidelines. Therefore, regardless of whether the proposal breaches a 45-degree line, from my own observations and the evidence before me, I find that the proposal would have an acceptable effect with regard to sunlight and daylight.

Conclusion – Living Conditions

12. The proposal would not have an unacceptable impact with regard to daylight and sunlight. However, the proposal would result in harm to the living conditions of occupiers at No 7 with particular regard to outlook. It would therefore be contrary to Policy SADM30 of the Site Allocations and Development Management Policies

Plan (2016) which permits development provided it has a limited impact on the amenity of neighbours in terms of outlook. There would also be conflict with Policy CS22 of the Core Strategy (2013) which requires development to be of a high-quality design. The proposal would not meet the high standard of amenity requirements set out in the National Planning Policy Framework.

Other Matters

13. The proposal would increase the living accommodation available to the appellant and their family whilst retaining adequate private amenity space. Even if I could accept that the proposal would use underutilised space, these are private benefits to a single household and as such, do not outweigh the harm identified to the living conditions of neighbouring occupiers. The appellant has the option of implementing the extant planning approvals to provide additional living accommodation.
14. The proposal would utilise modern building methods and materials and the Council has not raised substantive concerns with regard to its effect on the character and appearance of the area. These matters are neutral in the planning balance and weigh neither for, nor against, the proposal.
15. Even if permitted development rights for extensions to terraced properties have been increased and the Neighbourhood Consultation Scheme introduced, there is no evidence that these circumstances are applicable to the appeal site. Planning permission has been sought and I have determined the appeal accordingly.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Clowes

INSPECTOR