



Appeal Decision

Site visit made on 7 October 2025 by E Clifford BA (Hons) MA

Decision by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 FEBRUARY 2026

Appeal Ref: APP/P1940/D/25/3371792

5 Lewes Way, Croxley Green, Hertfordshire WD3 3SN

- 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 & Mrs Patel against the decision of Three Rivers District Council.
 - The application ref is 25/0903/FUL.
 - The development proposed is described as “Demolition of existing conservatory, attached garage and existing chimney stacks. Erection of new single storey and two storey side to rear extension, external alterations, and new front porch.”
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing two storey rear extension, conservatory, garage and chimney stacks and construction of a part single, part two storey rear extension, single storey side extension and front porch at 5 Lewes Way, Croxley Green, Hertfordshire WD3 3SN in accordance with the terms of the application, ref 25/0903/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 5LW-002 (existing ground and first floor plans), 5LW-003 (existing elevations), 5WL-004 (existing roof plan and elevations), 5LW-201 (location plan /site block plan), 5LW-202 rev A (proposed ground floor and first floor plans), 5LW-203 rev A (proposed elevations) and 5LW-204 Rev A (proposed roof plan and elevations).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos. 5LW-503 Rev A and 5LW-504 Rev A.
 - 4) The extension hereby permitted shall not be occupied until the first-floor side window, shown on plan no. 5LW-204 Rev A side elevation H-H, has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing and restricted opening shall be retained thereafter.

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.

Preliminary Matters

3. I understand that a revised scheme of drawings was provided to the Council after the application was submitted but prior to determination. The decision notice does not reference the revised drawings, and they were not initially provided by the Council for consideration in this appeal. However, after I queried this with the Council, it submitted the revised drawings upon which it based its decision. As such, it is the revised drawings that are the subject of this appeal.
4. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises demolition of existing two storey rear extension, conservatory, garage and chimney stacks and construction of a part single, part two storey rear extension, single storey side extension and front porch. The Council dealt with the proposal on this basis and so shall I.
5. It has been suggested that the roof on the porch elevation does not correspond to the plan details. I see no apparent discrepancy between the plans and elevations of the existing or the proposed porch and I note the Council also raised no concern in this regard.

Main Issue

6. The main issue is the effect of the proposed rear extension on the living conditions of the occupiers of the neighbouring property, 3 Lewes Way, with particular reference to outlook.

Reasons for the Recommendation

7. The appeal site is one of several properties of similar appearance along Lewes Way. It is a link-detached two-storey property set back from the highway behind a driveway. It is adjoined by its single storey garage to that of the adjacent property, no 7. On the opposite side, it is sited closer to its other neighbour, no 3, which is also situated on a slightly lower land level.
8. The properties sit in generous, rectangular plots with a wide rear aspect. A number of the dwellings along the street have previously been extended in various ways. The host dwelling has an existing two storey projecting extension, on the side closest to no 3, and an infill conservatory.
9. Prior approval (Ref 25/0659/PDE) has been granted for the construction of a single-storey rear extension of a depth of 8m- which is directly comparable to the single storey element of the scheme before me. On its own, the proposed single-storey element has therefore previously been confirmed as having an acceptable effect on the living conditions of the occupiers of no 3, and I see no reason to disagree.
10. The matter in dispute is the effect on outlook for the occupiers of no 3 of the proposed two-storey full width rear extension in conjunction with the proposed single-storey element.

11. The proposed two-storey extension would have an increased ridge height in comparison to the existing projection; however, this is the only element of the proposal which would be of a greater scale, and it would be integrated into the principal roof form, which would help to mitigate the effect of this change. The footprint of the rear extension would be no greater than that of the existing and thus the outlook for no 3 would only be marginally altered. No 3 also currently enjoys generous views over its rear garden, with clear sky views. Therefore, notwithstanding the slightly lower land level noted above, the two-storey element would not result in an unacceptable sense of overbearing when experienced from the neighbouring garden, even when viewed in conjunction with the single storey element of the proposed development.
12. Appendix 2 of the Three Rivers District Council Local Plan Development Management Policies Local Development Document (2013) (hereafter referred to as the DMP LLD) states that, amongst other things, “rear extensions should not intrude into a 45-degree splay line drawn across the rear garden from a point on the joint boundary”. On the evidence before me, the extant two-storey projection at the rear of the appeal dwelling already intrudes into the 45-degree line for no 3. Given the modest increase in scale of development proposed, and the generous rear aspects that the dwellings benefit from, the additional effect on the outlook of the occupiers of no.3 would be negligible. I am therefore satisfied in relation to the 45-degree principle in DMP LLD Appendix 2.
13. For the above reasons, I conclude that the proposed rear extension would have an acceptable effect on the living conditions of the occupiers of 3 Lewes Way, with particular reference to outlook. Accordingly, I find no conflict with Policy CP12 of the Three Rivers District Council Local Development Framework Core Strategy (2011), which expects all development proposals to protect residential amenities. I also find no conflict with DMP LLD Policy DM1, which seeks to ensure development does not lead to a gradual deterioration in the quality of the built environment. Furthermore, I find no conflict with Policy CA2 of the Croxley Green Neighbourhood Plan (2018), where it resists extensions that have an overbearing effect.

Other Matters

14. The Council has raised no concern with the proposed crossover, the effect on the grass verge, or space for parking. On the evidence before me, I see no reason to disagree with its conclusions in this regard.

Conditions

15. Other than the standard time limit condition, a condition is necessary to ensure that the development is carried out in accordance with the approved plans for reasons of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.
16. A condition is necessary to secure obscured glazing and restricted opening at the first-floor side window, for the privacy of neighbouring occupiers.

Conclusion and Recommendation

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

E Clifford

APPEAL PLANNING OFFICER

Inspector's Decision

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

C Carpenter

INSPECTOR