

**Dacorum Borough Council
Planning Department**

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH



ORANGE PCS
BLACK ARROW HOUSE
2 CHANDOS ROAD
LONDON
NW10 6NF

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00209/00/TEL

ADJ, HICKS ROAD, MARKYATE, ST. ALBANS, HERTS
INSTALLATION OF ONE ANTENNAE AND ONE 0.6M DISH TO EXISTING MAST
AND ERECTION OF TELECOMMS. CABINET

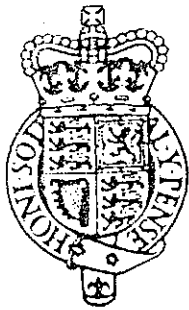
Your application for telecommunications development dated 01 February 2000 and received on 07 February 2000 has been considered.

The Council has determined that the prior submission of details is not required in this case. Your proposal may therefore be carried out as permitted development, subject to the conditions and limitations set out in the relevant Class and Part of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.

A handwritten signature in black ink, appearing to read 'Winterton'.

Director of Planning

Date of Decision: 03 March 2000



Appeal Decision

Site visit made on 03 January 2001

by Isobel McCretton

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

EP	CP	DC	BC	SS
Rec'd. 02 FEB 2001				File
Comments				
Bathons MRTPI				
Date				

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

1 - FEB 2001

Appeal Ref: APP/A1910/A/00/1051402

73 Greenway, Berkhamsted, Herts, HP4 3LF

- 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 & Mrs S Atkins against the decision of Dacorum Borough Council.
- The application (ref:4/00210/00/FHA), dated 7-2-2000, was refused by notice dated 01 June 2000.
- The development proposed is a two-storey side extension and porch canopy.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The planning application was amended, by plans dated 4 May 2000, to omit a single storey extension to the rear of the proposed garage. The Council's decision was based on these amended plans and I have considered the appeal accordingly.

Main Issues

2. I consider that the main issue in this case is the effect of the proposed two storey side extension on the living conditions of the adjoining residents, with particular reference to loss of light and outlook.

Planning Policy

3. The Development Plan for the area comprises the Hertfordshire Structure Plan Review 1991-2011 and the Dacorum Borough Local Plan (DBLP). The latter is subject to review and the Dacorum Borough Local Plan 1991-2011 Deposit Draft (DBLPDD) has been published. Both the DBLP and the DBLPDD contain policies and environmental guidelines aimed at the protection of residential amenity. The Council raises no objection to the proposed development on policy grounds.

Reasons

4. The proposal involves the demolition of the existing single storey garage and the erection of a two-storey side extension and front porch canopy. The existing garage is approximately 0.4m from the common boundary with no.75 and the proposed extension would be 1.0m away. The adjoining property, no.75 is a detached bungalow, is situated approximately 1.2m from the boundary with the appeal site, and has a number of windows in the flank elevation. I accept that some or all of these windows were added after the original dwelling had been built. Nonetheless the windows are material to the present living conditions of the occupiers of the property. While the adjoining neighbours are generally concerned about

potential loss of light to the side of their property, the principal concern centres on loss of light to the bedroom window.

5. The omission of the single storey element at the rear of the proposal was intended to reduce the impact on no.75. In addition the appellants have removed a conifer hedge along part of the boundary which enables more light to reach the adjoining dwelling. The appellants have submitted an assessment, based on the British Research Establishment (BRE) guidelines for daylight and sunlight, to demonstrate the effect of the proposed extension on direct sunlight received through the side bedroom and bathroom windows of the adjoining property. The assessment concludes that the bedroom window currently receives 60% of the available sunlight at present, which would reduce to 35% if the extension were to be constructed. This is above the BRE recommended minimum of 25% for living rooms, bedrooms being acceptable at a lower figure. I note that there would be a slight increase in the hour range due to the fact that the new extension would be set further away from the boundary.
6. However the sunlight assessment does not deal with the loss of daylight or skylight. The proposed extension would be built across most of the main bedroom window and across all of the secondary bedroom and bathroom windows. Although the gap between the side walls would be some 2.2m, the effect of the roof overhang would be to further reduce light from the sky. At present the flank wall of the house is approximately 5.8m away from the side wall of no.75. The garage roof slopes from this flank wall down towards the top of the fence line between the two properties. The garage at present therefore has little effect on the daylight or sunlight entering the facing windows. The extension would be built of relatively dark brick and would be much closer than the current side wall of the house. Whilst the loss of light to the glazed bathroom window would not, in my view, justify refusal of permission, I consider that the effect on the main bedroom window would be to significantly reduce daylight and to appear unacceptably oppressive and overbearing. As a result I conclude that the proposed extension would have an unacceptable impact on the amenities of the occupiers of the adjoining bungalow.

Other Matters

7. Whether or not there were permitted development rights for an alternative side extension, I have determined the appeal on its own merits. The appellants refer to the administration of the planning application and the rights to light of the neighbour. However these are not matters before me. Reference is also made to planning permission for an extension to the adjoining bungalow, but I have considered this appeal on the basis of the current relationship of the two dwellings.

Conclusions

8. Because of the effect of the proposed side extension on the amenity of the adjoining residents which I have identified, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

9. In exercise of the powers transferred to me, I dismiss the appeal.

Information

10. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

Robert McCulloch

INSPECTOR