

PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

MR A J BERRESFORD
3 LONG MEADOW
MARKYATE
HERTS,
AL3 8JW

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01125/99/FHA

3 LONG MEADOW, MARKYATE, ST. ALBANS, HERTS, AL3 8JW
FIRST FLOOR FRONT & REAR EXTENSIONS

Your application for full planning permission (householder) dated 16 June 1999 and received on 18 June 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 16 July 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01125/99/FHA

Date of Decision: 16 July 1999

1. The proposed first floor rear extension does not accord with Policy 9 of the Dacorum Borough Local Plan (or Policy 10 of the Dacorum Borough Local Plan 1991-2001 Deposit Draft) or with the Environmental Guidelines which require a clear 45 degree angle of vision from neighbouring habitable windows. The proposal therefore would have an unacceptable and detrimental effect on the amenities of neighbouring properties, by reason of loss of light, loss of sunlight and visual intrusion.



The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
DoP	F		B	C	S
Received			18 FEB 2000		
Comments					

0117 - 987 8927
0117 - 987 8000
0117 - 987 8139
1374 - 8927
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

Mr Alan J Berresford
3 Long Meadow
Markyate
ST ALBANS
Hertfordshire
AL3 8JW

Our reference
T/APP/A1910/A/99/1032299/P8

Date

17 FEB 2000

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPLICATION NO. 4/01125/99/FHA

1. I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine your appeal. The appeal is against the decision of the Dacorum Borough Council to refuse planning permission for first-floor front and rear extensions to 3 Long Meadow, Markyate, St Albans. I have considered all the written representations and other material submitted to me. I inspected the site on 2 February 2000.
2. No 3 Long Meadow is in a terrace of four houses. The front extension would consist of a dormer window over the flat roof of the garage and porch. The rear extension would be built over the existing flat-roofed single-storey extension and would occupy the full width of the plot. It would project about 3.5 metres and have a gable roof.
3. There have been no objections to the front extension and I agree with the Council that it would be satisfactory. From all that I have seen and read about the appeal, I consider that the main issue that arises is the effect which the rear extension might have upon the amenities of the occupiers of Nos 1 and 5, because of loss of light or loss of outlook.
4. The development plan for the area includes the Dacorum Borough Local Plan of 1995. Policy 8, which deals with the quality of development, is relevant to this issue. It states that development will not be permitted unless certain criteria are complied with. Criterion (d) indicates that development should avoid harm to adjoining properties through, for example, visual intrusion, amongst other matters.
5. The criteria in policy 8 are amplified by the Environmental Guidelines in the Plan. Policy 9 states that development proposals should normally meet these Guidelines, although they may be relaxed in appropriate circumstances. Paragraph 10(v) of the Guidelines deals with rear extensions to houses. It states that rear extensions should not seriously affect the daylighting to adjoining habitable rooms, and that they should be avoided on a boundary wherever possible and be of limited length. Specifically, the paragraph states that the permissible outward projection of rear extensions will be assessed with regard to generally

acceptable dimensions, which in the case of first-floor extensions is up to the lines of 45° angles taken from the nearest windows of habitable rooms in the adjacent properties.

6. The Council have published a draft replacement local plan. The draft contains similar policies and guidance to those which I have referred to in the present plan.

7. Both Nos 1 and 5 Long Meadow have bedroom windows that would be within half a metre of the side walls of the rear extension at their nearest point. 45° angles taken from the mid-point of each of the bedroom windows show that the extension would substantially intrude upon the line of vision. The extension would damage the outlook from these windows.

8. The rear elevations of the houses face south-west. Because of the orientation of the extension, its proximity to the bedroom windows and the extent of its projection, there would be a reduction in the amount of sunlight reaching both bedroom windows at certain times of the day and year. This would make the bedrooms less enjoyable for residential purposes.

9. The extension would be in conflict with the standards set out in the Environmental Guidelines, because of excessive projection and loss of sunlight. It would harm the amenities of both neighbours, through visual intrusion, contrary to policy 8 of the Local Plan. I have considered whether any circumstances arise which would indicate that the standards should be relaxed in this instance. The only relevant consideration is the decision made by the Council in 1981 to approve an identical proposal. This decision, however, was made before the current Local Plan and the Environmental Guidelines were adopted, and different policies applied at that time. I consider that my decision should follow the policies and guidelines that apply today.

10. No other matters have been raised in the appeal which are of significance to my decision. Since the two extensions can be dealt with separately, I will grant planning permission for the front extension and withhold permission for the rear extension. As requested by the Council, I will also impose a condition requiring matching materials to be used. The reason for this condition is to ensure that the front extension has a satisfactory appearance.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby determine this appeal as follows:-

(a) I allow the appeal insofar as it relates to the first-floor front extension and grant planning permission for the construction of a first-floor front extension to 3 Long Meadow, Markyate, St Albans in accordance with the application No 4/01125/99/FHA dated 16 June 1999 and the plans submitted therewith, subject to the following conditions:-

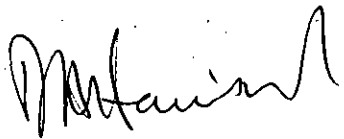
(i) The development hereby permitted shall be begun before the expiration of five years from the date of this letter.

(ii) The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing house.

(b) I dismiss the appeal insofar as it relates to the first-floor rear extension.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Yours faithfully



D A Hainsworth LL.B(Hons) FRSA Solicitor
Inspector

NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER