



## Appeal Decision

Site visit made on 24 April 2019

by **I A Dyer BSc (Eng) MIHT**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2019

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**Appeal Ref: APP/X1925/W/18/3211920**

**39 Kimberley, Letchworth Garden City SG6 4RB**

- 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 Ioannis Kyriacos David against the decision of North Hertfordshire District Council.
  - The application Ref 17/02548/1, dated 5 October 2017, was refused by notice dated 16 March 2018.
  - The development proposed is a two storey rear extension to facilitate conversion of existing 2 bedroom house into 2 No. 1 bedroom houses.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Further revisions have been made to the National Planning Policy Framework (the Framework) and a revised version was published in February 2019. The Decision Notice issued by the Council refers to Sections 6 and 7 of the Framework. The provisions of Sections 6 and 7 of the National Planning Policy Framework 2014 now appear in Sections 5 and 12 of the current Framework.
3. There is some discrepancy in the addresses of the adjacent properties in the parties' statements. In my decision I have referred to the end of terrace property as 39a Kimberley, and the other neighbouring property as 41 Kimberley and I have made my decision on this basis.

### Main Issues

4. The main issues are the effect of the proposed development on:-
  - the character and appearance of the area,
  - the living conditions of occupiers of neighbouring properties, with particular reference to outlook, and;
  - the living conditions of future occupiers with particular reference to garden space.

## Reasons

### *Character and Appearance*

5. Kimberley is a predominantly residential street fronted by two storey dwellings of varying design, mostly forming short terraces, but with occasional semi-detached and detached houses. Many of the dwellings have added, or modified front porches, but, generally, the built form of the front facades remain without major alteration with a single, offset door and a comparatively wide frontage to the street. 39 Kimberley forms part of one of the terraces. An additional dwelling, 39a Kimberley, has been added to the terrace of which the appeal site forms a part, extending it to the side of No 39.
6. The subdivision of the property would result in the addition of a door and the enlargement of a window at ground floor level in the front elevation of the property. This would result in the frontages of the proposed houses being significantly narrower than is typical in this and neighbouring terraces and a rhythm of door openings that would be out of keeping and incongruous with the prevalent form of frontages in the area, which retain their single access point and wider frontages.
7. The dwellings in the immediate vicinity generally have sizeable back gardens, the garden at No 39a being an exception to the general pattern, resultant from the sub-division of the garden for No 39. No 39, however, currently retains a garden of similar size to other mid-terraced houses in the immediate vicinity. The sub-division of No 39 would result in the garden being divided longitudinally, resulting in two narrow gardens. This would introduce a discordant feature in the overall pattern of private space in the area.
8. The overall impression that would result from the subdivision would be of two narrow, cramped dwellings introduced into the more generously proportioned pattern of development. Given the importance that I have placed on rhythm of the street frontages to the character and appearance of the area, the break in this rhythm would be out of character and incongruous with the form of existing development when viewed from the street. Further, the sub-division of the rear garden would noticeably alter the character of the area to the rear of the dwellings when viewed from nearby properties. In this particular context that lack of conformity would be so significant as to amount to harm, regardless of whether internal National Space Standards were satisfied.
9. I therefore conclude that the development would result in significant harm to the character and appearance of the area, contrary to Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations – 1996 - (the Local Plan) in that the proposal fails to reflect and improve upon the character of the locality. Similarly, the development would be contrary to the aims of Section 12 of the Framework in as much as the proposal is not sympathetic to local character, including the surrounding built environment.
10. Section 5 of the current Framework relates to delivering a sufficient supply of homes and the development would contribute an additional dwelling to the housing supply. The appellant cites the need for the creation of smaller dwellings for single occupants in support of his subdivision of the house. However, there is little evidence before me to establish a need in this locality for such dwellings that would outweigh the harm that I have identified above.

*Living conditions of neighbouring properties*

11. The rear face of the neighbouring dwelling, 41 Kimberley, lies flush with the rear of No. 39 and contains windows at both ground and first floor level, close to the boundary wall between the two properties. The first floor window is obscure glazed.
12. The proposed rear extension would be two storeys in height and present a featureless wall projecting about 4 metres behind the existing dwelling on the boundary with No 41, dominating and overbearing the part of the garden of No 41 closest to the house. Anyone in the garden of No 41 close to the rear door or at the ground floor window closest to the boundary would experience an increased sense of enclosure from the new structure.
13. It has been identified that the proposed extension would have a similar impact on the occupiers of No 41 as the existing projection of No 39a has on No 39. During my site visit I thus had the benefit of seeing the existing structure and its impact and, notwithstanding the absence of any objection from No 41, my observations do not alter my findings above.
14. I therefore conclude that the development would result in significant harm to the living conditions of the occupiers of neighbouring properties in terms of a loss of outlook, contrary to Policy 28 of the Local Plan which, amongst other things, seeks to ensure that house extensions do not dominate adjoining properties and Policy 57 of the Local Plan which amongst other things requires that development should relate to and enhance their site and surroundings. For similar reasons the proposed development would be contrary to the aims of Section 12 of the Framework which requires that developments are designed to function well and add to the overall quality of the area.

*Living conditions of future occupants*

15. Policy 57 of the Local Plan suggests that a minimum total area of 75 square metres of private amenity space should be provided for a dwelling. The subdivision of the existing garden would provide two gardens of areas less than the suggested area, in the form of a long, narrow space for each dwelling. I note that the rear garden of 39a which is a larger dwelling than either of those proposed, being a three bedroom house, provides a roughly similar area of rear garden for that dwelling as is proposed for each of the one-bedroom houses.
16. Apart from overall size, consideration needs to be given to the quality and practicality of use of the space. The gardens proposed for the dwellings would be very narrow and if, for example, a rotary washing line were erected, the remaining width would make accessing the rest of the garden problematic, reducing the practicality of use by residents and reducing the value of the garden as an amenity area. The garden to 39a, in comparison, has a wider section close to the house, providing a more usable area.
17. Whilst compact, the amenity space to the front of the properties is sufficient to accommodate a car for each dwelling and bin space. On my site visit I noted that the kerb fronting the site had already been dropped to form a vehicle crossover so that the space could be used for parking and I consider that little change would result to the front area as a result of the proposal.
18. I conclude that the development would not provide good quality living conditions for future occupants, contrary to Policy 57 of the Local Plan which,

amongst other things, seeks to ensure that development provides suitable play and amenity space. For similar reasons the development would be contrary to the aims of Paragraph 70 of the Framework, which seeks to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

### **Other Matters**

19. My attention has been drawn to other developments in the wider area that also sub-divide an existing property. From the limited information available to me regarding these sites I do not consider that they are contextually comparable to the case in question. The plot sizes, frontages and position in the terrace vary considerably from that of 39 Kimberley and I have little information regarding the configuration of rear gardens.
20. Similarly, my attention has been drawn to other rear extensions, seemingly of a similar scale and roof form in the wider area. The impact that I have identified results from the scale of the wall on the boundary and is not related to the form of the roof. Again, the plot sizes, and, where relevant, position of the extension within the terrace vary widely from that of 39 Kimberley, nor have I had access to adjoining properties to assess the impact of development upon neighbours. In any case, I have considered the proposal before me on its own merits.
21. The appellant has expressed frustration with the way in which the Local Planning Authority handled the application. However, this is a matter between the parties involved and is not something that would affect the outcome of this appeal.
22. I note that the appellant has stated an intent, should this appeal be dismissed, to convert the loft of No. 39 to living accommodation and erect a single storey rear extension under permitted development rights. Whilst there is no certainty of such a development occurring, the extension would not result in the creation of the two storey blank side-wall nor sub-divide the property, and so would not be comparable to the proposal before me.

### **Conclusion**

23. For the reasons given above, and having taken into account all other matters raised, the appeal is dismissed.

*I Dyer*

INSPECTOR