The Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2016

by Christa Masters MA (hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th November 2016

Appeal Ref: APP/J1915/D/16/3159739
29 Byde Street, Hertford SG14 3AR

- 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 Simon Bacon against the decision of East Hertfordshire District Council.
- The application Ref 3/16/1256/HH, dated 2 February 2016, was refused by notice dated 21 July 2016.
- The development proposed is the construction a single storey full width rear extension with part lean-to roof with roof lights and part pitched roof.

Decision

1. The appeal is allowed and planning permission is granted for the construction a single storey full width rear extension with part lean-to roof with roof lights and part pitched roof at 29 Byde Street, Hertford SG14 3AR in accordance with the terms of the application, Ref 3/16/1256/HH, dated 2 February 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the approved plans listed: P099, P100, P101, P102, P103, P104 REV B, P105 REV B, P106 REV B, P107 REV B.

    3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The Council requested I view the appeal site from No 27 Byde Street in order to assess the change in levels. There was no access available to No 27 on the day of my site visit however I was able to gain access to the rear garden of No 25. There is a gate between the two properties and I was able to assess the change in levels from this position.

Main Issue

3. The effect of the proposal on the living condition of the existing and future occupiers of No 27 Byde Street.

Reasons

4. The appeal property is a mid terraced two storey dwelling located within an established residential area. When viewed from Byde Street, the front elevation of the property is similar in appearance to No 31. Nos 25 and 27 are also similar in appearance. There is a gentle slope downwards along the road from Fanshawe Street to Wellington Street and as a result, the neighbouring dwellings of No 25 and 27 are set at a slightly lower ground level than the appeal property. No 25 and No 27 also sit forward of the appeal site by some margin.

5. The rear elevation of No 27 is recessed back some distance from the rear elevation of the appeal property. There is an existing two storey element at the rear of the appeal property. The flank elevation to this in effect provides part of the boundary with No 27 and there is a small conservatory which is set in this space. The outlook from No 27 is therefore already restricted by this two storey boundary and the recessed nature of the rear elevation of the property.

6. The proposed structure would have a flat roof and would have a height of 3m, and would extend 4.2m in depth. The extension would be visible in part above the boundary treatment between the appeal property and No 27. However, as I have already set out above, the outlook from No 27 is already restricted. Even taking into account the level change between the two sites, I am unable to agree that the visibility of this flat roofed structure would have an intrusive and overbearing effect on the existing and future occupiers of No 27 as suggested by the Council.

7. The appellant states that a single storey extension could be erected without the need for planning permission. Such a structure could extend 3m in depth with an overall height of 4m from the ground level. I regard the likely erection of such a fallback as a material consideration. In my view, the height of this structure would have a greater impact on the existing and future occupiers of No 27 than the appeal proposal.

8. I therefore conclude the proposal would not result in material harm to the living conditions of the existing and future occupiers of No 27 Byde Street. It would, as a result, accord with policies ENV1 and ENV5 of the East Herts Local Plan (LP) Second Review 2007. Policy ENV1 relates to design and environmental quality and advises, amongst other things, that (d) development proposals should respect the amenity of occupiers of neighbouring buildings. Policy ENV5 relates to extensions to dwellings and advises, amongst other things that extensions should not significantly affect the amenities of adjoining dwellings to their detriment. My attention has also been drawn to policy ENV6 however there is nothing within this policy which is directly relevant to the main issue before me.

Other Matters

9. The appeal site is located within the Hertford Conservation Area. I confirm that the design of the proposal is appropriate in terms of its height, scale and design to the surrounding area. The proposal would therefore preserve the character and appearance of the conservation area and taking the above into account, the proposal would therefore be consistent with paragraph 135 of the National Planning Policy Framework (the Framework).

10. Concerns have been raised by the occupiers of No 31 in terms of the effect of the proposal on light levels, outlook and positioning of the guttering. Taking into account the orientation of the dwellings, I can see no reason to disagree with the Council's conclusion that the effect of the proposal in terms of outlook and light levels on the occupiers of this property would be acceptable. From the plans and schedule of materials presented, I am satisfied that guttering could be provided within the appeal site. Concerns have also been expressed by the occupiers of No 33 regarding access to the rear of the property. However, the existing access through the main frontage of the property would not be effected by the appeal proposal.

Conditions

11. I have had regard to the conditions suggested by the Council in light of paragraph 206 of the Framework. A condition limiting the life of the permission is necessary. I also agree it is necessary to specify the approved plans for the avoidance of doubt and in the interests of the proper planning of the area.

12. The Council have suggested a condition that all of the materials to be used shall match those on the existing building. However, the appellant has specified the use of double glazed upvc and aluminium windows whereas the existing windows at the property are timber framed. As such, I have amended the wording of this condition to require details of the materials to be used to be submitted to and approved by the local planning authority. This is in order to ensure the appearance of the development is satisfactory given the sites location within the Hertford Conservation Area.

Conclusion

13. For the reasons outlined above and taking all other matters into account, the appeal is allowed.

C Masters

INSPECTOR