
Appeal Decision

Site visit made on 7 June 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 19th June 2017

Appeal Ref: APP/J1915/D/17/3170420

6 Highfield Avenue, Bishop's Stortford CM23 5LS

- 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 Peter Whittaker against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2596/HH, dated 21 November 2016, was refused by notice dated 17 January 2017.
 - The development proposed is first floor side dormer construction to existing 2 storey property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Highfield Avenue is a residential cul-de-sac characterised by two-storey semi-detached houses. The appeal site, with its neighbouring property at No 8, is one of 4 pairs of semi-detached houses built to a distinctive design with a long roof slope running from the shared ridge to low eaves at ground floor level. Of the 8 houses of this design, Nos 13 and 15 have similar first floor dormer extensions to that proposed at the appeal site. Both of these dormers are masked somewhat by the flanking dwellings.
 4. Positioned close to the ridge of the roof and extending across a considerable portion of the roof slope, the proposed dormer would dominate the roof and would unbalance the characteristic form of the semi-detached pair. Although the dormer would be constructed in materials to match the existing house and the eaves line of the buildings opposite are of a similar height to the proposed dormer, this would not overcome the harm arising from the bulk and positioning of the dormer.
 5. The appeal site is located close to the end of the street and is sited at an angle to Nos 2 and 4. Given the relatively open nature of the appeal site and the position of the house relative to its neighbours and the street itself, the proposed development would be very visible from the street and considerably more prominent than the existing first floor dormers at Nos 13 and 15. The
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- prominence of the large dormer extension in public views on turning into Highfield Avenue, and facing the house, would adversely affect the character and appearance of the street.
6. My attention has been drawn to the unimplemented 2004 permission on the appeal site, the 2002 appeal¹ at No 13, and the 2005 planning permission implemented at No 15. The 2004 permission was for a side dormer of the same dimensions as the current appeal and was similar to the dormer windows at Nos 13 and 15. All three planning permissions occurred prior to the adoption of the current East Herts Local Plan Second Review (2007)(the Local Plan). I have not been provided with the relevant policies in place at the time of determination of these applications. However, the Council's report indicates that the Local Plan takes a more restrictive approach than its predecessor to the size of dormer windows and the relationship of those dormers to the roof slope and the host dwelling. Consequently, these planning permissions have only a limited bearing on this current appeal.
 7. I have considered the recently implemented roof extensions at No 7, the penultimate semi-detached house on the opposite side of the street. No 7 is of a different architectural form to the appeal site and is not directly comparable. The existence of other roof extensions in the street does not justify the harm I have identified. I have considered the appeal scheme on its own merits.
 8. I have also noted that the Council has raised no objection to the proposal in respect of the living conditions of neighbouring occupiers. This does not outweigh the harm identified in respect of character and appearance.
 9. The appellants wish to construct 2 bathrooms at first floor level to meet their own needs and those of an elderly relative who may need to live at the appeal site in the future. The proposed dormer would allow the introduction of these facilities without impinging on the number of existing bedrooms. While I have given consideration to the limited information provided on the appellants' personal circumstances and those of their elderly relative, there is no indication of any immediate need. I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest². It is probable that the proposed development would remain long after the emerging personal circumstances cease to be material. I do not consider that these personal circumstances outweigh the harm which would be caused by the proposed development.
 10. I conclude that the proposed dormer extension would unacceptably harm the character and appearance of the area. This would be contrary to policies ENV1, ENV5 and ENV6 of the Local Plan. The former is a general policy which aims to secure a high standard of design in all new development. Policy ENV5 sets out the general principles for extensions to houses, while Policy ENV6 contains criteria which should be met by domestic extensions. The Council also refers to the pre-submission version of the East Herts District Plan, but the plan has not yet been examined and I consequently give it limited weight. The proposal would also be contrary to a core planning principle of the National Planning Policy Framework, which seeks to secure high quality design.

¹ APP/J1915/A/020/1090334

² ID: 21b-008-20140306 (What is a material planning consideration?)

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR