
Appeal Decision

Site visit made on 21 June 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 07 July 2017

Appeal Ref: APP/J1915/D/17/3170089

32 Bishops Avenue, Bishop's Stortford CM23 3EL

- 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 Ms Hayley Leonard against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2526/HH, dated 11 November 2016, was refused by notice dated 6 January 2017.
 - The development proposed is removal of existing single-storey side extension and double garage. Replacement with two new two-storey extensions to provide extra bedroom accommodation and annexe.
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Decision

1. The appeal is dismissed.

Main Issue

2. The current appeal proposal follows refusals of previous proposals for additional development at No 32 Bishops Avenue, two of which were also dismissed at appeal¹. In this appeal, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Descriptions of the character of the surrounding area in the 2013 and 2015 appeal decisions remain equally relevant to this current proposal and there is no need to repeat them in full. As with the 2015 appeal, the most significant feature to note is that although No 32 occupies an unusually spacious and irregular plot, at the junction of Bishops Avenue and Mary Park Gardens, the converging lines of dwellings in these two streets mean that there are already some tight relationships between the principal buildings at No 32 and adjacent properties². As a result, existing garden spaces surrounding the dwelling at No 32 are important in maintaining a sense of spaciousness around the junction, notwithstanding the existing boundary treatments.
4. The appeal site currently has enclosed side gardens, fronted by either low walls and high hedges or low brick walls with taller brick piers supporting wooden fence panels. These all serve to screen the site from the road to some extent.

¹ APP/J1915/W/15/3128968, decision dated 30 September 2015, and APP/J1915/A/12/2182042, decision dated 14 February 2013.

² Nos 29 and 31 Mary Park Gardens and No 30 Bishops Avenue.

5. The extensions to the property are proposed to largely follow the existing building line of the development with the main increase in the footprint confined to a portion of garden at the eastern end of the house nearest to Bishops Avenue. Although this avoids the loss of a significant amount of the triangular side garden, the extensions would include a large staggered two-storey element to the eastern side of the house to accommodate the annexe. The annexe would initially continue the ridge line of the existing roof, ending in a hipped roof. There would also be a second hipped roof staggered at a slightly lower level to introduce an element of subservience. This lower element is also stepped back from the front of the dwelling in an attempt to reduce its bulk and prominence. Despite these efforts to mitigate the effect of the extensions on the host building and the street scene, the development would significantly increase the bulk and scale of the existing house when viewed from Bishops Avenue.
6. The proposal also includes some extensions to the western end of the house to fill out the corners set into the property. These extensions are substantial in their own right, with the first floor proposed to be built out to the existing flank and front walls of the ground floor extension. This loss of setbacks and corners set into the building results in a bulky building with long flat elevations on both the northern and western aspects. This would result in the building being more prominent from neighbouring properties, Mary Park Gardens and the open space beyond the road into Mary Park Gardens.
7. Although I note that the extended building would be no closer to the houses on Mary Park Gardens at the western end than the existing house, the height, bulk and scale of the proposed extensions would give the perception of the house being closer. In terms of the eastern end of the extended house, the distance between the house and other properties in the street would be reduced. The appellant has commented that the extensions would remain at a greater distance from the neighbouring properties than the neighbouring properties are from each other. I do not disagree with this contention. However, the appeal property is a corner property and differs in character from its more tightly packed neighbours.
8. By its very nature as a corner property, the appeal site is more prominent than its neighbours. By extending both flanks of the house to such an extent, the resultant increased intensity of built form would be apparent from both Bishops Avenue and Mary Park Gardens. I note the retention of the established coniferous hedge, albeit with some reduction in height. Despite the retention of the hedge with its benefits in screening and for biodiversity, the proposed extensions would stretch across almost the width of the site and would lie close to the boundary treatments. The development would appear cramped within its site and the sense of spaciousness would be diminished, detracting from the area's character and appearance.
9. I recognise that the site is within a built up area with access to local facilities and services and acknowledge that, in this regard, it meets the aims of the National Planning Policy Framework in encouraging development in sustainable locations. I have also found that the proposal would provide acceptable living conditions for its own and neighbouring occupiers and that the materials would match the existing property and neighbouring properties. Although these weigh in favour of the proposal, they are not sufficient, individually or cumulatively, to outweigh the harm identified.

10. I have also had regard to the appellant's argument that the appeal site was originally intended to be two plots. Given the context of the site, this may have been the original intention. However, there is no evidence of any previous permission being granted for its development. In any event, it is necessary to consider whether the proposal would be acceptable when assessed against current development plan policies and other material considerations.
11. The appellant wishes to construct the proposed extensions to meet their own family's needs and those of the maternal grandparents who would live in the annexe and provide childcare support to both the family at No 32 and their son's family. The proposed extensions would allow the introduction of independent but connected living space for the grandparents and allow for any evolving healthcare needs over time. While I have given consideration to the limited information provided on the appellants' personal circumstances, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is probable that the proposed development would remain long after these 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.
12. I have taken into account the concerns raised locally about a range of issues, including highway safety, however they have not led me to any different conclusions.
13. I conclude that the proposed extensions would unacceptably harm the character and appearance of the area. This would be contrary to policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review (2007). 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.

Conclusion

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

J Gilbert

INSPECTOR