
Appeal Decision

Site visit made on 7 August 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/J1915/D/17/3176394

4 Kingsbridge Road, Bishops Stortford, CM23 2AD

- 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 Mrs Caroline David against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0406/HH, dated 17 February 2017, was refused by notice dated 11 April 2017.
 - The development proposed is two storey side and front extensions. Part single storey / part two storey rear extension. New first floor side window opening. Detached double garage.
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Decision

1. The appeal is allowed, insofar, that planning permission is granted for two storey side and front extensions. Part single storey / part two storey rear extension. New first floor side window opening, at 4 Kingsbridge Road, Bishops Stortford, CM23 2AD, in accordance with the terms of application ref: 3/17/0406/HH, dated 17 February 2017, subject to the planning conditions in the attached schedule.

Main Issue

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

Reasons

3. The appeal site is located on Kingsbridge Road and currently accommodates a 4 bedroom two storey detached dwelling. The wider area is residential and I observed that there is vast array of dwelling types and architectural styles in the surrounding area. This includes bungalows and two storey properties. I observed that there is also a wide variation in roof forms in the immediate surroundings, including pitched, hipped and even a mansard roof opposite the appeal site.
4. The proposal would result in the extension of the host dwelling, which would include two storey side and front extensions, along with a part single storey and part two storey rear extension. There would also be alterations to the fenestration.
5. The proposed two storey gabled front extension would include a Juliette balcony and an overhang feature at ground floor. Whilst these are not common features in the surrounding area, the appellant has provided several

examples of juliette balconies within the wider area and numerous examples of similar gable ended front projections. Given the very large variation of architectural styles in the immediate vicinity, I consider that such features would not appear alien or out of keeping with the area. In addition, the front extension would not significantly project forward from the front elevation of the host dwelling and would not be of a width or scale that would be overly dominant or detrimental to the character and appearance of the host dwelling or the street scene.

6. The two storey side extension would add additional bulk to the host dwelling. However, it would not extend past the width of the existing conservatory. Further, at roof level the existing ridgeline would be continued and the mass and bulk of the roof has been minimised by the sloping hipped design. I am not of the view that when viewed from the street scene that the additional bulk at roof level appears overly prominent and it would be in keeping with the host dwelling. In addition, the appeal property is set well back from the road and the proposal would result in a dwelling that would not be dissimilar in scale to No 2 Kingsbridge Road, when viewed from the road.
7. The proposed part single and part two storey rear extension would extend beyond the existing dwelling by some 6 metres. It would be a large addition, but the rear extension would not project to any great degree beyond the rear footprint of the neighbouring property and the appeal property also benefits from a large rear garden. The resulting land to building ratio would be in keeping with the surrounding properties and would not constitute over-development. For all of the above reasons, I consider that the scale and bulk of the proposed side and rear extensions would not be out of keeping with the host dwelling and would not be intrusive in the street scene.
8. The Council has also raised particular concerns about the roof design insofar that there would be a section of flat roof. However, in this case, the flat roof section is relatively small and would form part of a wider hipped roof design. I consider that it does not constitute the sort of flat roof extension that Policy ENV6 of the East Herts Local Plan Second Review (2007) (the LP) is seeking to avoid. Further, the flat roofed part of the roof design would not be visible from the road, as shown in the drawing provided in the appellant's appeal evidence.
9. In any event, Policy ENV6 of the LP sets out under (d) that '*flat roofed extensions, except those on the ground floor, will be refused as visually undesirable other than in those exceptional circumstances where the character of the original dwelling allows a flat-roofed design to be appropriately incorporated*'. In this case, I have identified a wide variation in roof forms in the immediate area, including pitched, hipped and a mansard roof. Further to this, the appellant has provided a diagram that shows that there are numerous examples in the area of similarly designed roofs that have small central sections of flat roof as part of their wider designs and this includes the neighbouring property No 2. I consider that the nature of the host dwelling and wide range of roof forms in the immediate area allows a flat-roofed design to be appropriately incorporated and it would not appear incongruous, in accordance with Policy ENV6 of the LP.
10. I consider that the proposed materials, including the slate roof tiles would be acceptable, particularly bearing in mind the wide variation in architectural styles and materials in the immediate area.

11. The proposal includes a large double garage that would be located behind the existing boundary hedge close to the road. This would be a large structure with a relatively steep pitched roof. The structure would be visible from the road through the vehicular access and would be taller than the existing hedge. Given the existing pattern of development in the area, where garages close to the road are rare, I consider that the proposed garage by virtue of its scale and siting would be an overly prominent and incongruous feature in the street scene, which would cause harm to the character and appearance of the area.
12. On a related matter, Drawing 5011.P.010 Rev A (Site Plan) shows a sliding gate at the front of the site. However, I have no other detail on the design or materials of the gate. I consider that a solid gate that would not allow views of the appeal property from the road would be an incongruous feature and would be harmful to the character and appearance of the area. Notwithstanding this, I consider that a planning condition could be imposed to overcome this matter, which would require the design and materials of the gate to be agreed with the Council.
13. In conclusion, I consider that the proposed front, side and rear extensions would be in keeping with the character and appearance of the host dwelling and the area and would not result in any harm. This part of the development therefore complies with Policies ENV1, ENV5 and ENV6 of the LP. In summary, these policies seek to ensure that: extensions to existing buildings are of a high standard of design and layout and reflect local distinctiveness; relate well to the massing (volume and shape) and height of adjacent buildings; the character of the existing dwelling would not be significantly affected to their detriment; and proposed extensions are of a design and choice of materials of construction, that match or complement the original building and its setting.
14. I have, however, found that the proposed double garage would cause harm to the character and appearance of the area, contrary to policies ENV1, ENV5 and ENV6 of the LP. However, the appellant has set out that a split decision would be acceptable to them to remove the double garage from the scheme should it be considered unacceptable. I have therefore issued a split decision.

Other matters

15. The occupants of the neighbouring property No 2 have raised a number of concerns in relation to the proposal. The proposed extension would affect the occupant's outlook from the side facing windows of No 2. I understand that these windows serve a downstairs cloak room, landing and a kitchen window. However, the window serving the kitchen is secondary and benefits from another opening and outlook. Further, the photo taken from the kitchen window provided by the occupants, shows that the outlook is to some degree already obscured by the existing boundary vegetation and fence. Given all of this, whilst there would be a noticeable change to the outlook from the kitchen window and the other side facing openings, I am not of the view that this would cause any material harm to the occupant's overall living conditions that would be sufficient to warrant the refusal of the appeal.
16. The proposed extension would be located 3 metres away from the side elevation of No 2 and the appeal property is orientated to the north. On this basis, I am not of the view that there would be any meaningful loss of light to the side facing windows of No 2. As a result, I see no need to require a

rendered finish on the southern elevation of the scheme, as requested by the occupants of No 2.

17. The proposed extension would not extend past the rear footprint of No 2 to any significant degree. Further, whilst there would be built development at first floor level closer to the boundary with No 2, this would still be set back by 3 metres from the side elevation of No 2. Consequently, I am not of the view that the proposed extension would appear overly dominant or obtrusive when viewed from the patio and garden area of No 2. In terms of privacy, all side facing windows on the proposed extension would be obscure glazed. Further, whilst there would be first floor windows on the rear elevation of the proposed extension in closer proximity to the boundary with No 2, this would not result in any material increase in mutual overlooking from that which already exists. I see no reason why the existing hedge along this boundary would not be retained and the application form states that no hedges or trees will need to be removed.
18. Overall, I consider that the proposal would not harm the living conditions of the occupants of No 2 to a degree that would warrant the refusal of the appeal. I am also mindful that the Council share this view.

Planning Conditions

19. I have considered the Council's suggested conditions against the tests set out within the National Planning Policy Framework and the advice provided by the Government's Planning Practice Guidance and have amended them where required, without altering the purpose or intent of the condition. As well as the standard time limit condition (1), a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty (2). To ensure the suitable appearance of the scheme, conditions (3 and 4) are necessary. Condition (5) is imposed to protect the living conditions of the occupants of neighbouring properties.

Conclusion

20. For the reasons set out above and having regard to all other matters raised, including the concerns of the Town Council and local residents, I consider the scheme complies with the development plan when taken as a whole. The appeal is therefore allowed.

Jonathan Manning

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans:
 - 5011.P.002 Rev A (Proposed Floor Plans)
 - 5011.P.003 Rev A (West Elevation)
 - 5011.P.004 Rev A (North Elevation)
 - 5011.P.005 Rev A (East Elevation)
 - 5011.P.006 Rev A (South Elevation)
 - 5011.P.010 Rev A (Site Plan) - Excluding proposed double garage.
 - 5011.P.011 (Location Plan)
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The sliding gate shown on Drawing 5011.P.010 Rev A (Site Plan) shall not be constructed until the design and materials of the gate have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until the window openings on the north and south elevations have been fitted with obscured glazing as shown on Drawings 5011.P.004 Rev A (North Elevation) and 5011.P.006 Rev A (South Elevation). The windows shall be retained in such condition thereafter.