
Appeal Decision

Site visit made on 13 November 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 17th November 2017

Appeal Ref: APP/J1915/D/17/3180016
98 Tamworth Road, Hertford, SG13 7DN

- 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 Richard Smith against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0555/HH, dated 5 March 2017, was refused by notice dated 28 April 2017.
 - The development proposed on the application form is the construction of a two storey side and rear extension incorporating an extended pitch roof (to match) in yellow stock brickwork to match existing.
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Decision

1. The appeal is dismissed.

Procedural matters

2. My determination of this appeal is against the saved policies of the Local Plan¹. However, the Council's case officer report also makes reference to a number of policies from the emerging District Plan². Although at an advanced stage of preparation, this document has not yet been fully assessed following examination. Given the uncertainties regarding the outcome of that process, I have given the emerging District Plan limited weight and in any event, policies DES3 and HOU11 would not have altered my conclusions.

Main issues

3. Within the context of the Council's reasons for refusal and the evidence in this case, the main issues are considered to be whether the development proposed would:
 - preserve or enhance the character or appearance of the conservation area
 - living conditions, with particular regard to the impact upon No 96 Tamworth Road.

Reasons

4. The appeal site lies within the Hertford Conservation Area³ and contains an early 20th Century 2-storey semi-detached house, which is characterised by its

¹ East Herts Local Plan Second Review, April 2007

² East Herts District Plan, Pre-Submission Consultation 2016, November 2016

³ Hertford Conservation Area Appraisal, adopted April 2017

- yellow brick walls with red-brick banding, slate roof, prominent chimney, unusual side entrance and subservient 2-storey rear outrigger.
5. The area surrounding the appeal site on the southern side of Tamworth Road is characterised by a row of 2-storey semi-detached dwellings that match the design of the appeal property and follow the same consistent building line. The opposite side of the road contains modern 2 and 3-storey housing.
 6. The 2-storey side and rear extension would substantially extend the width and depth of the outrigger so that it is flush with the side elevation of the front part of the house. Despite using similar facing-wall materials, this would result in the enlarged outrigger dominating the house and obliterating the visual separation that currently exists between it and the front part of the dwelling which contributes to its subservient appearance. The proposed flat roof above the side extension would also result in the creation of an unsightly juxtaposition between it and the existing pitched roof, which would as a consequence erode the overall integrity of the dwelling. The use of uPVC windows, despite matching those on the existing dwelling, would further harm the character and appearance of the building, which would have originally been fitted with timber sash windows.
 7. Although the extension would not be clearly visible from the public highway at the front of the site, it would nonetheless cause harm to the character and appearance of the dwelling and the conservation area, the latter of which extends to the front and rear of the property.
 8. The height and depth of the rear extension and its position adjacent to the dividing boundary line with No 96 would result in it appearing extremely visually intrusive and overbearing to the occupants of this neighbouring dwelling. Furthermore, by reason of its mass, position, proximity and orientation, it would also result in a significant loss of outlook and light to this property's conservatory.
 9. The appellant has drawn my attention to a number of other extensions, but these are not directly comparable to current proposal in terms of design and scale. I am also not aware of the particular circumstances where planning permission was granted for these and in any event, I must consider the appeal scheme on its own merits. The existence of these other developments does not therefore justify the harm I have identified.
 10. In view of the above, I have concluded that the development would be harmful to; (a) the living conditions of the occupants of No 96 Tamworth Road; and (b) the character and appearance of the existing dwellinghouse and conservation area. As a consequence, it would also fail to preserve or enhance the character and appearance of the conservation area⁴. The scheme would therefore conflict with Policies ENV1, ENV5, ENV6 and BH5 of the Local Plan which seek to ensure that new development respects the amenities of neighbouring occupiers and is of a high quality design that is sympathetic to the special characteristics of conservation areas.
 11. Although the proposal would be harmful to the character and appearance of the conservation area, I would consider this to be less than substantial because of

⁴ S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

the extension's more obscure position, which would reduce the development's overall effect on the significance of the designated heritage asset.

12. I have accordingly assessed the scheme against paragraph 134 of The Framework⁵, which states that when a development leads to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.
13. I have concluded that the modest amount of benefit associated with the development, namely enhanced living accommodation, would not outweigh the harm identified to the significance of the conservation area as a designated heritage asset.

Conclusion

14. No public benefits of the proposal have been found that outweigh the harm that would be caused to the significance of the conservation area and the living conditions of neighbouring occupiers, and the failure to preserve or enhance the character or appearance of the conservation area. All representations have been taken into account, but no matters, including the scope of possible planning conditions, have been found to outweigh the identified failures, harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR

⁵ National Planning Policy Framework, Communities and Local Government, March 2012.