



Appeal Decision

Site visit made 5 August 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref19/: APP/N1920/D/19/3231178
3 Thornbury Gardens, Borehamwood WD6 1RB

- 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 Mrs Darya Feuerstein against the decision of Hertsmere Borough Council.
 - The application Ref, 19/0595/HSE dated 12 April 2019, was refused by notice dated 4 June 2019.
 - The development proposed is demolition of existing detached garage and construction of single storey front, side and rear extensions and widening of dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area and the host building; and
 - the living conditions for neighbouring residents with regard to outlook.

Reasons

Character and appearance

3. The appeal site is a semi-detached property in an exclusively residential area. The properties in Thornbury Gardens, in the vicinity of the appeal property, appear to have been originally built to the same design and are of the same age. Some have been extended and several have porches similar to the existing porch at the appeal property. Some have garages which are flush with the front wall of the house. The appeal property is set back slightly when compared to its unattached neighbour at 5 Thornbury Gardens (No 5). For this reason, the existing garage at the appeal property extends further back into the garden than the garage at No 5.
4. The front extension would be considerably deeper than the existing porch, which itself projects beyond the line of the original bay window. The extension

would be built to the boundary of the appeal property with No 5. As a result, the appearance of the property would be significantly changed.

5. The National Planning Policy Framework 2019 (the Framework) requires that development is well-designed. Policies SP1 and SP2 of the Hertsmere Local Plan Core Strategy (CS) deal with sustainable development and Policy SP1 lists criteria which all development should seek to meet. These criteria include buildings of high quality design which are appropriate in scale and appearance to the local context. CS Policy CS22 requires high quality design in accordance with the Planning and Design Guide Supplementary Planning Document (SPD). Under Policy CS22 the Council will take account of any impact arising from residential intensification. The Council's Site Allocations and Development Management Policies Plan 2016 (SADM) includes Policy SADM 30 which contains design principles for development. These include a requirement for development to respect the visual amenity of the area by virtue of its scale, mass, bulk, height and urban form.
6. I consider that the overly large front extension and the side/rear extension behind it is out of character with the host property and the immediate surroundings by reason of its mass, bulk and scale. The effect of the proposed development on the host building is exacerbated by the awkward design of the extension where it wraps around the host building, in order to avoid a conflict with the "45 degree line" which the Council's policies employ to protect the outlook of neighbours, in this case at No 1 Thornbury Gardens..
7. Therefore, the proposed development would result in material harm to the character and appearance of the area and the host property. I conclude that the proposed development would be in conflict with the Framework, Policies SP1, SP2 and CS22 of the Hertsmere Local Plan Core Strategy 2013 and Policy SADM 30 which seek, amongst other things, to ensure that development is of a high-quality design which respects its local environment.
8. The Council has referred to its Planning and Design Guide Part E, but this relates to the conversion of garages to habitable accommodation. As the existing garage is to be demolished, I have not taken it into account. However, that does not alter my conclusion on the other policies referred to by the Council.

Living conditions

9. The appellant states that the proposed development would not go any deeper into the garden than the existing garage. The Council is of the opinion that the proposed development would extend slightly beyond the end of the existing garage. The plans indicate that there is a slight extension beyond the floorplate of the original garage, although scaling plans which have been scanned would not be accurate. If there is an extension, it would be minimal and, of itself, would not be objectionable.
10. However, the proposal would result in a flank wall on the boundary with No 5 which starts well forward of the original front building line, and follows the boundary along the flank wall of the original house and the earlier extension together with the length of the existing garage. Other than the structure at the end of the extension (which would appear to be a storage cupboard, inaccessible from the extension), the extension would be noticeably higher than the existing garage.

11. Taking into account the length and height of the extension up to the boundary, I conclude that the proposed extension would have a materially detrimental impact on the amenity of the occupiers of No 5 by reason of its overbearing and dominant bulk when viewed from No 5. Therefore, the proposal would be contrary to the Framework, Policies SP1, SP2 and CS22 of the Hertsmere Local Plan Core Strategy 2013 and Policy SADM 30 which seek amongst other things to avoid development which has more than a limited impact on its neighbours.

Other matters

12. The appellant has referred me to other properties in Thornbury Gardens, notably 30 and 32. I do not have any history of the extensions to those properties or of their age but the front extensions in both those properties are designed as porches of a similar size to the existing porch at the appeal property. I do not consider that either of the examples referred to by the appellant are comparable to the appeal proposal.

Conclusion

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

Jan Hebblethwaite

INSPECTOR