



Appeal Decision

Site visit made on 21 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/J1915/D/19/3235062

42 Rochford Road, Bishops Stortford, CM23 5EX

- 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 and Mrs Matthew Williams against the decision of East Hertfordshire Council.
 - The application Ref 3/19/1041/HH, dated 8 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is a first floor side extension, part two storey rear extension and internal remodelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the surrounding area; and (ii) the living conditions of the occupants of No. 40 Rochford Road with regards to light, outlook and the potential to appear overbearing.

Reasons for the Recommendation

Character and appearance

4. The appeal site is situated on the residential street of Rochford Road and comprises a semi-detached dwelling. The immediate surroundings are characterised by similar residential properties which differ in size and style but retain a broad uniformity in terms of materials and character. The road is made up of a mixture of semi-detached and detached properties and, for the most part, the single storey garages to the side of dwellings helps to maintain a sense of separation to the neighbouring property, in keeping with the low density nature of the estate. There is a pleasing sense of coherence between the appeal property and the neighbouring attached dwelling at No. 44 Rochford Road. While these properties are not identical, there is a broad similarity in terms of scale and massing, accentuated by the fact that both dwellings benefit from a single storey attached garage to the side.

5. The proposal relates to the installation of a first floor side extension, part two storey rear extension and internal remodelling. Policy HOU11 of the East Hertfordshire District Plan, adopted in October 2018 (the Local Plan), relates specifically to extensions and alterations to dwellings. It states that such development should, amongst other things, be appropriate to the character and appearance of the surrounding area by nature of the size, scale and design of the extension. Policy HOU11 further states that any side extension should ensure appropriate space is left between the flank wall of the extension and the common curtilage with the neighbouring property to safeguard the character and appearance of the streetscene and prevent a visually damaging terracing effect. The policy establishes that, as a general rule, a separation distance of 1m is the minimum acceptable distance.
6. The proposal is to be constructed in materials to match the existing property in terms of colour and texture, and the two storey rear extension would not be visible from Rochford Road. Furthermore, in setting the side extension back slightly from the road, the proposal also attempts to reduce the effect on the streetscene. However, it is agreed between the parties that a maximum distance of 0.7m would exist between the proposal and the two-storey element of the neighbouring property at No. 40 Rochford Road. This fails to meet the 1m minimum laid down in Policy HOU11 and while this minimum distance is given as a general rule only, in this case the proposal would lead to a visually damaging terracing effect.
7. The narrow space that exists between the appeal property and No. 40 at ground floor level would be further reduced by the proposal, which would extend beyond the existing side elevation of the garage. At first floor level, the visual gap in development between the properties would be infilled, further reducing the space between the properties. That impact would be exacerbated because the neighbouring dwelling at No. 40 does not contain a single storey garage to the side, unlike most dwellings in the area, but has an integral garage with first floor accommodation above.
8. Therefore, the proposal, by nature of its scale and siting, would effectively erode the space between the two properties leading to a terracing effect that would be out of character with the wider estate. Whilst there may be examples where neighbouring extensions have been permitted closer than the 1m required by policy HOU11 I am not satisfied that the resulting impact of those extensions represents a positive in design terms, having regard to the terracing effect that is created, and there are sound reasons to maintain a suitable gap at first floor level in this instance, having regard to the relationship between the properties and the prevailing pattern of development in the area, notwithstanding other extensions that may have been permitted elsewhere.
9. Furthermore, the proposal would reduce the sense of coherence between the appeal property and the attached dwelling at No. 44 through the development of the first floor side extension. In this context it would appear as an incongruous addition to the streetscene, particularly when accessing Rochford Road from Prestwick Drive, where prominent views of the proposal would be experienced alongside both neighbouring dwellings.
10. For the reasons given above, the proposal would fail to respect or improve the character or appearance of the surrounding area and would have a materially harmful impact in this regard. It would therefore be contrary to Policies DES4 and HOU11 of the Local Plan.

Living conditions

11. The appeal property is located in close proximity to the side elevation of No. 40, separated by a narrow passageway between the two properties and a boundary fence attached to the rear elevation of No. 40. The proposal would increase the built development that runs alongside this boundary by introducing a second storey above the current rear extension at the appeal property.
12. I have taken account of the comments of both parties with regards to whether the proposal would fall within a 45 degree field of view from the first floor window of No. 40. However, the plans do not show the position of that neighbouring window and a precise calculation of whether the flank wall would breach the 45 degree line has not been provided by either party.
13. Nonetheless, having viewed the proposal on site, the side wall would be situated close to the side elevation of No. 40, where it would tower above the boundary fence and hedging present between the two dwellings. It would be clearly visible from the back garden of No. 40 and would extend beyond the first storey windows along the rear elevation of this neighbouring property.
14. The development would introduce additional bulk along the boundary with No. 40 as a result of the extensions and alterations proposed. In particular, it would add an additional storey in close confines to the windows along the rear elevation of No. 40 which would experience a harmful deterioration in outlook and light levels as a result. By nature of its scale and proximity to this neighbouring property, the proposal would therefore fail to ensure that the environments of the occupiers of No. 40 are not harmed.
15. Furthermore, the increased scale of the proposal would appear as a significant addition to the appeal property from the rear garden of No. 40 where, when experienced alongside the dwelling at No 40, it would appear unduly dominant. This would increase the overbearing feel of the development when experienced from the outdoor space to the rear of No. 40 and would fail to avoid significant detrimental impacts on the amenity of the occupiers of No. 40.
16. Due to the proposed location close to the boundary with No. 40 and the difference in floor levels between the proposal and the neighbouring dwelling the development would have an unacceptable detrimental impact on the amenities of the occupiers of No. 40 by way of light, outlook and overbearing effect so as to cause harm to the living conditions of those occupiers. Accordingly, it would fail to comply with Policy DES4 of the Local Plan.

Other considerations

17. The appellant has referred to other development within the wider vicinity where extensions have been granted planning permission as evidence that similar development has created a local distinctive character in this regard. However, I must determine the current proposal in light of currently adopted planning policies and cannot be certain that the historic examples referred to were approved in that context. Moreover, I have had regard to the specific arrangement on site and the direct relationship with the neighbouring properties and those circumstances are unlikely to be replicated directly elsewhere, particularly in respect of the relationship with No. 40. Consequently, reference to other extensions nearby does not outweigh the harm identified above.

Conclusion and Recommendation

18. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR