
Appeal Decision

Site visit made on 7 January 2020

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State for

Decision date: 22 January 2020

Appeal Ref: APP/J1915/D/19/3238324

2 Dolphin Way, Bishops Stortford CM23 2AH

- 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 Hamish Carruth against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1228/HH, dated 10 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is two storey side, rear extensions with a single storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side, rear extensions with a single storey front extension at 2 Dolphin Way, Bishops Stortford CM23 2AH in accordance with the terms of the application, Ref 3/19/1228/HH, dated 10 June 2019, subject to the conditions set out in the appended schedule.

Main Issue

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

Reasons

3. The appeal site is a two storey detached dwelling located within a cul-de-sac of the residential area of Bishops Stortford. The proposal is for a two storey side extension which would create an L shaped wrap around extension to the west and north of the site. In addition a small single storey front extension is also proposed which would infill the area between the existing entrance and proposed side extension.
4. Policy HOU11 of the East Herts District Plan 2018 (DP) states that side extensions at first floor level or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property. As a general rule a space of 1 metre will be the minimum acceptable distance. This is in order to safeguard the character and appearance of the street scene and prevent a terracing effect. The appeal proposal results in a side extension which does not have this 1 metre separation distance with the curtilage of No.3 Dolphin Way.

5. However, whilst the proposal would not maintain this 1 metre recommended separation distance between curtilages, it was apparent from my site visit that the flank wall of No.3 Dolphin Way is set back from the boundary of the two properties. As such there is currently a good level of separation between the two properties. Therefore, the appeal proposal whilst being in breach of this 1 metre recommended separation distance would not lead to a damaging terracing effect and would maintain a suitable visual separation between the two properties.
6. Furthermore, during my site visit I observed a number of properties on Dolphin Way which have undergone similar extensions as the appeal proposal. These extensions have integrated well within the street scene, and therefore the appeal proposals would complement the existing design of other properties on Dolphin Way. As such I find that the proposal would constitute a good design that does not harm the character and appearance of the host dwelling and wider street scene.
7. Accordingly, I find that the proposal would not harm the character and appearance of the area. As such there would be no conflict with policies DES4 and HOU11 of the DP. Together these policies seek, amongst other things, that development is of a high-quality design which is appropriate to the character and appearance of the surrounding area.

Conditions

8. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. A condition relating to materials is necessary to ensure that the appearance of the proposal would be satisfactory and not harm the character and appearance of the host dwelling.

Conclusions

9. For the above reasons the appeal is allowed, and planning permission is granted.

S Shapland

INSPECTOR

SCHEDULE OF CONDITIONS – APP/J1915/D/19/3238324

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1011-19.PL.007 Rev A Location and Site Plans dated May 2019, 1011-10.PL.001 Existing and Proposed Ground Floor Plans dated May 2019, 1011-10.PL.002 Existing and Proposed first floor plans dated May 2019, 1011-10.PL.003 Existing and Proposed Roof Plans dated May 2019 1011-10.PL.004 Existing and Proposed Elevations 1/3 dated May 2019, 1011-10.PL.005 Existing and Proposed Elevation 2/3 dated May 2019, 1011-10.PL.006 Existing and Proposed Elevation 3/3 dated May 2019
- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.