



Appeal Decision

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 02 July 2020

Appeal Ref: APP/J1915/D/20/3247068

9 Gerard Avenue, Bishops Stortford, Hertfordshire CM23 4DU

- 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 Kevin Stockdale against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2207/FUL, dated 7 October 2019, was refused by notice dated 7 January 2020.
 - The development proposed is an open covered lean-to at the rear of the property.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. Both the Appellant and the Council have agreed to the appeal proceeding on this basis. This is because I have been able to reach a decision based on the information already available, supplemented by additional photographs supplied by the Appellant.
3. The application form contains a long description of the development, including some background information which led to the submission of the planning application. The Council described the proposal on its decision notice as the 'retention of covered lean-to extension', whilst the Appellant on their appeal form described the proposal as 'the development is an open covered lean-to to be added to the rear of the property. This will be open to the front and roof is a laminated glass'.
4. I consider that both the Council's decision notice description and the Appellant's appeal form description provide for an accurate and succinct description of the proposal. Whilst it is clear that the development has already been carried out, although helpful, it is not necessary to refer to this in the description of the proposal. I have therefore used a shortened version of the Appellant's appeal form description of the proposal in my decision.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property is located on the east side of Gerard Avenue which is in a residential area of Bishops Stortford. The property is a semi-detached dwelling which has been previously extended at the rear with a two-storey extension¹. As noted by the Council, the property has also had a conservatory added to the rear of the two-storey extension. The Council consider that this is unauthorised although this is disputed by the Appellant.
7. Notwithstanding that, the Appellant has provided a photograph which is dated 25 March 2015 which clearly shows the conservatory. Whilst I am inclined to agree with the Council that the conservatory would not have been permitted development and would require planning permission, given that four years have passed since that date it would appear that the conservatory is immune from enforcement action. That said, this is not a matter before me.
8. The lean-to canopy has been erected to the side of the conservatory across the rear of the previous two-storey extension. The lean-to also extends beyond the side wall of the dwelling. The roof of the lean-to appears to sit just above the conservatory roof in a similar plane. The lean-to also includes a solid side wall to the boundary with 8 Gerard Avenue.
9. As noted by the Appellant, the lean-to roof for the patio is a simple structure and I consider that this does not, in principle, raise any significant concerns including how the roof relates to the conservatory. I also consider that the simple nature of the structure does not result in an excessive amount of development at the property, principally owing to its lightweight and minimal bulk.
10. However, the as-built structure extends beyond the side wall of the extended house and from the evidence before me is visible from the street as well as the rear of neighbouring properties. To my mind, this element of the structure does not relate well to the host dwelling and this harm is compounded by the solid side element in proximity to the boundary with No 8. Whilst the Appellant has suggested that this part of the structure could be removed/altered, this is not the proposal before me. To that end, I cannot give that suggestion any significant weight in my decision.
11. For the above reasons the development would harm the character and appearance of the area and would conflict with Policies HOU11 and DES4 of the East Herts District Plan (2018) which amongst other matters seek to ensure that extensions to existing buildings are of a high standard of design which are appropriate to the character and appearance of the existing dwelling and the surrounding area. It is also at odds with the overarching design aims of the National Planning Policy Framework.

Conclusion

12. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

¹ Following planning permission reference 3/13/1798/FP dated 27 November 2013