



Appeal Decision

Site visit made on 25 August 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2020

Appeal Ref: APP/J1915/D/20/3247165

13 Warren Terrace, Bengoe, Hertford, Hertfordshire SG14 3JE

- 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 Ms K Peel against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2103/HH, dated 15 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is a single storey rear ground floor extension and a first-floor rear extension, to include insertion of window to existing first floor rear elevation and insertion of sun pipe to existing roof.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear ground floor extension and a first-floor rear extension, to include insertion of window to existing first floor rear elevation and insertion of sun pipe to existing roof at 13 Warren Terrace, Bengoe, Hertford, Hertfordshire SG14 3JE in accordance with the terms of the application, 3/19/2103/HH, dated 15 October 2019, subject to the following conditions:
 - 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: 4474-OS1; 4474-OS2 and 4474-P01 revision B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Main Issue

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

Reasons

3. The appeal site is located in primarily residential area and is also within the Hertford Conservation Area (HCA) which encompasses a large part of the town, including parts of Bengoe. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area.

4. The appeal property itself is a mid-terrace dwelling (in a row of four properties), all of which have been subject to some alterations and extensions over the years at the rear. This includes the appeal property which has a ground floor extension. Significantly, the adjoining property (No 15) has been extended at both the ground and first floor.
5. The appeal proposal would result in a two-storey extension projecting out a very similar distance to the two-storey extension already built at No. 15. It would incorporate pitched roofs over the two parts of the first-floor extension.
6. In terms of whether the proposal is subservient to the host dwelling, it is clear that the proposal would result in a significant increase in the size of the first-floor accommodation. However, I am also conscious that the proposal would only extend out a similar distance to the extension at No.15. It would also have a roof design with ridge lines at a much lower height than that of the main house. Taking these factors into account, I consider that the proposal is not an overdevelopment of the site nor would it have a harmful effect on the character of the host dwelling or the wider Conservation Area.
7. In coming to the above view, I acknowledge that the proposal has clearly been designed to ensure that bedroom 2 would still have a rear facing window. I also acknowledge that the extension has been designed so it does not intersect a 45 degree line from the first floor window of 11 Warren Terrace. However, despite this design, the overall appearance of the extension is not harmful to the host dwelling or the wider area.
8. Turning to the ground floor extension element, this would wrap around the rear and side of the existing ground floor extension and would also project a similar distance to the ground floor projection at No. 15. To my mind, this element of the proposal is minor in nature and would be an acceptable small addition to the property both in terms of its size and design.
9. For the above reasons the proposal would not harm the character and appearance of the area, including the HCA, and would accord with Policies HA4, DES4 and HOU11 of the East Herts District Plan October 2018 which amongst other matters seek to ensure that proposals are of a high standard of design which preserves or enhances the Conservation Area, and be of a scale, proportion, form, height, design and overall character that accords with and complements the parent building and the surrounding area.

Other matters

10. I have also had regard to the comments received from the occupiers of nearby dwellings including matters relating to the siting of the extensions on the boundary and the resultant difficulties in maintenance of both properties together with possible damp and drainage concerns. However, whilst I understand the concerns raised in these respects, none of these issues provide for a compelling reason why planning permission should not be granted.
11. In addition to the above, the Council have made reference to bedroom 2 having restricted light and outlook as a result of the proposed extension. However, I note that this did not form part of its reason for refusal of planning permission.
12. Notwithstanding that, at my site visit, I took the opportunity to look out from the current bedroom window to ascertain what impact the proposed first floor extension would have.

13. Whilst I accept that the proposal would have some impact on outlook and the availability of light to that bedroom, and in that sense it would not be ideal, I consider that it would not have such an adverse impact to the extent that the bedroom would be left with an unacceptable living environment for its occupants.

Conditions

14. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition requiring the use of matching materials is also necessary.

Conclusion

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

Chris Forrett

INSPECTOR