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## Appeal Decision

Site visit made on 9 November 2020

**by E Brownless BA (Hons) Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday, 07 December 2020**

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**Appeal Ref: APP/N1920/D/20/3254677**

**190 Mutton Lane, Potters Bar EN6 2AW**

- 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 Alexander Wiggins against the decision of Hertsmere Borough Council.
  - The application Ref: 20/0503/HSE, dated 2 April 2020, was refused by notice dated 28 May 2020.
  - The development proposed is described as 'demolition of the existing single storey side extension and construction of proposed 2 storey side and rear extension, to existing 2no. bedroom two storey dwelling, to provide for extended living/dining/kitchen area, car garage and toilet at ground floor level and addition of 1no. bedroom and ensuite at first floor level, bringing total number of bedrooms to 3no, with revised internal layouts and modifications to original dwelling and associated landscaping and site works, to include minor alteration of existing front boundary to allow for wider vehicular access'.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing single storey side extension and construction of proposed 2 storey side and rear extension, to existing 2no. bedroom two storey dwelling, to provide for extended living/dining/kitchen area, car garage and toilet at ground floor level and addition of 1no. bedroom and ensuite at first floor level, bringing total number of bedrooms to 3no, with revised internal layouts and modifications to original dwelling and associated landscaping and site works, to include minor alteration of existing front boundary to allow for wider vehicular access at 190 Mutton Lane, Potters Bar EN6 2AW in accordance with the terms of the application, Ref: 20/0503/HSE, dated 2 April 2020, 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: 3.1.002 Site Block Plan; 3.1.100 Rev A; 3.1.101 Rev A; 3.1.200 Rev A; 3.1.201 Rev A; Flood Risk Assessment dated 1 June 2017; Parking Provision undated.
  - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan 3.1.201 Rev A.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling, the pair of semi-detached dwellings and the surrounding area.

## Reasons

3. The south side of Mutton Lane is generally characterised by pairs of two-storey semi-detached dwellings with modest sized front gardens together with space for the parking of motor vehicles. There is some variety in their style, design and finish predominantly as a result of a number of side extensions to their host buildings.
4. As a pair of two-storey semi-detached houses with single storey side extensions, the host dwelling and No 192 appear largely unaltered and retain a clear sense of balance and symmetry that makes a positive contribution to the streetscene.
5. The appeal scheme would introduce a sizeable two storey side and rear extension to the host dwelling. The Council's concerns primarily relate to the proposed side extension rather than the rear addition. On the basis of the evidence before me, I see no reason to take a different view on their assessment of the proposal as it relates to the rear extension.
6. The proposed side extension would extend some 6.3 metres towards the common boundary with No 188, leaving a limited gap of approximately one metre between the proposed extension and the shared boundary, taking the appellant's measurements, which have not been disputed by the Council. Whilst it would include a significant width, the proposed front elevation would include two instances of set-back from the front build line. The scale and mass of the proposed extension would be reduced and appear subservient to the host dwelling. The roof structure would match, in terms of design and materials, the existing roof structure of the pair of semi-detached dwellings. Its height would step down from the main roof ridge line to follow the set-back design of the extension. As a result, I find that the proposed extension would not overwhelm the proportions of the existing dwelling. It would appear sufficiently subservient in scale to the host dwelling and the pair of semi-detached properties and would not appear unacceptably dominant within the streetscene and surrounding area.
7. The Hertsmere Planning and Design Guide (2006)(PDG) requires extensions to be significantly less than the width of the main house. Taking account of the modest width of the main dwelling, the proposal would conflict with this requirement. In addition, at approximately 0.6 metres, taking the Council's measurements, which have not been disputed by the appellant, the first set-back elevation would fall short of the minimum 1 metre requirement of the PDG. Nonetheless, it would broadly align with the existing position of the single storey element which is set to be demolished. Moreover, at over one metre from the front build line, the additional set-back, would accord with the minimum distance required by the PDG.
8. Notwithstanding some technical breaches of the PDG, the local visual context justifies a flexible application to the PDG. At the time of my site visit, I observed there were a number of significant sized side extensions along Mutton Lane. I accept that a number of these developments include dimensions that differ to the appeal scheme. Nonetheless, side extensions along this side of Mutton Lane are commonplace. The resultant limited gap in-between the proposed extension and No 188 would erode the existing degree of separation experienced between the two properties. However, the pattern of spacing between dwellings along this side of Mutton Lane is varied and I therefore

conclude that the proposal would not be so harmful as to justify refusal of planning permission in this case.

9. For the reasons set out above, I conclude that the proposed development would not appear out of scale, bulky or incongruous. Thus, it would not have a harmful effect on the character and appearance of the host dwelling, the pair of semi-detached dwellings of which it forms a part, nor the surrounding area. Accordingly, I find the proposal broadly accords with Policy CS22 of the Hertsmere Core Strategy (2013), Policy SADM30 of the Site Allocations and Development Management Policies Plan (2016) and the guidance of Part E of the Hertsmere Planning and Design Guide (2006). Among other things, these policies and guidance seek to ensure that new development respects or improves the character of its surroundings.

### **Other Matters**

10. Reference has been made to a previous appeal decision<sup>1</sup> at the site. There is limited information before me concerning the previous appeal decision and the development proposed in that instance. However, it is apparent that there are differences between the two schemes. In particular, the previous scheme only included one set-back to the front elevation. Whilst I have had regard to the previous appeal decision, it makes no difference to my assessment of the proposed scheme. I have determined the appeal proposal on its individual planning merits.
11. Furthermore, I note that in the interim, the Council have granted planning permission for a similar scheme for a two-storey side and rear extension, albeit the first-floor side elevation of that scheme is set further away from the boundary. An assessment of the consented scheme does not lead me to a different conclusion on the appeal in this instance.

### **Conditions**

12. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary in the interests of clarity to define the plans which the scheme should accord to. A condition concerning external materials is required in the interests of character and appearance of the area. For the avoidance of doubt, approved plan 3.1.201 Rev A consists of two options for the finish to the front elevation. I consider either of these solutions to be acceptable given the variety of finishes available within the locality.

### **Conclusion**

13. For the above reasons, the appeal is allowed subject to the conditions.

*E Brownless*

INSPECTOR

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<sup>1</sup> APP/N1920/D/19/3220382