



Appeal Decision

Site Visit made on 3 September 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2021

Appeal Ref: APP/J1915/D/19/3239890

8 Cherry Gardens, BISHOP'S STORTFORD, CM23 2AJ

- 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 Anthony O'Reilly against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1132/HH, dated 30 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is First floor rear extension and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area including the existing dwelling and (ii) the living conditions of neighbouring occupiers of Nos 7 Cherry Gardens (No 7) with particular regard to outlook and daylight.

Reasons

3. The appeal property is an end of terrace dwelling and is located within a residential area. It contains an existing large single storey rear extension. The properties along Cherry Gardens in the immediate vicinity of the site are characterised by typically modest terraced properties with a flat roof. Due to the prominent corner position, the side and rear elevations of the property are very visible in the street scene. Whilst a number of the terrace properties along this part of Cherry Gardens have single storey extensions, first floor rear extensions are not a common feature.
4. The proposed first floor rear extension would span the width of the property adding considerable bulk at first floor level. Given the existing large single storey rear extension, the additional first floor extension would increase the size, scale and mass of the dwelling and together would dominate this modest terrace property and would lead to it appearing overly bulky.
5. Furthermore, the proposed extension would be an uncharacteristic addition to the street scene appearing at odds with the surrounding built form. Although the proposed extension would include matching materials to the existing dwelling, due to the increased bulk, and the large flank wall at first floor level the side and rear elevations of the property would appear imposing in the

street scene and unduly prominent on this corner plot. Consequently, the proposal would be an intrusive feature that would fail to integrate successfully into the area.

6. For the above reasons, I conclude that the proposed development would result in harm to the character and appearance of the area including the existing dwelling. Accordingly, the proposal would conflict with Policies DES4 and HOU11 of the East Herts District Plan (2018) (District Plan). Amongst other things, these policies seek that development proposals should be of a high standard of design to reflect local distinctiveness and extensions should be of a size, scale, mass, siting and design that is appropriate to and respects the character of the area and the existing dwelling.

Living Conditions

7. The proposed first floor extension would project approximately 3m from the existing rear elevation. I observed that No 7 has a habitable room window at first floor level. Given the close proximity of the proposed extension to this window, the side elevation would appear imposing and overbearing to occupiers of this adjoining property and would harm outlook from this window. Furthermore, given the depth of the proposed extension and the relationship to the first-floor habitable window of No 7, it would lead to overshadowing and a loss of daylight to this window. Together, this would not provide a high standard of amenity for existing occupiers and the proposal would be unacceptable.
8. For the above reasons, the proposal would result in harm to the living conditions of the neighbouring occupiers of No 7 with regard to outlook and daylight. Thus, the proposal would conflict with Policy DES4 of the District Plan which seeks that development avoids significant detrimental impacts on the amenity of occupiers of neighbouring properties and ensures that their environments are not harmed by inadequate daylight.

Other Matters

9. I acknowledge the appellant wishes to provide additional living space and a first-floor bathroom at the property. Whilst I am sympathetic to the appellant's personal circumstances, I remain to be convinced that there are not alternative ways of addressing these issues which would be less harmful. Accordingly, the personal circumstances identified do not outweigh the harm the proposal would cause to the character and appearance of the area including the dwelling and on the living conditions of adjoining occupiers. The absence of an objection from the neighbouring occupiers does not alter my findings on the unacceptability of the proposal. Given this harm, the proposal does not comply with the policies of the development plan.

Conclusion

10. For the above reasons, the appeal does not succeed.

S Thomas

INSPECTOR