



Appeal Decision

Site Visit made on 7 January 2021

by Chris Forreth MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal Ref: APP/J1915/D/20/3263329

36 Scotts Road, Ware, Hertfordshire SG12 9JQ

- 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 Mrs Manda Dixon against the decision of East Herts District Council.
 - The application Ref 3/20/1575/HH, dated 18 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is a first-floor front extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor front extension at 36 Scotts Road, Ware, Hertfordshire, SG12 9JQ in accordance with the terms of the application, Ref 3/20/1575/HH, dated 18 August 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: Location Plan and drawing 40-20-1.
 - 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 building.

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 located within the built-up area of Ware and consists of a two-storey residential property which has been previously extended to the front. The property sits in an elevated position well back from the road and is between two similarly designed dwellings. Numbers 40-46 Scotts Road are terraced properties set much closer to the road.
4. The proposal is for a first-floor over the existing single storey extension and would project from the front main wall of the dwelling by around 3.9 metres. However, there is not a strong building line in the street given that the siting of the terrace of Nos 40-46 is significantly closer to the road than the appeal property and its immediate neighbours. The design of the extension, together

with its set back from the road frontage, leads me firmly to the view that the proposal would appear as a subservient addition to the host property and would not give rise to any harm to the wider area. This is particularly the case as there is not a strong architectural vernacular in the area, a point which is acknowledged by the Council.

5. In coming to the above view, I also acknowledge that first floor front extensions are not a typical characteristic of the street. However, this is not a justifiable reason to withhold planning permission for an otherwise acceptable development.
6. In addition to the above, the appeal site is located close to Scotts Grotto which is a Grade I listed building set in a heavily landscaped area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
7. Given the location and nature of the proposal, I consider that it would not have any adverse impact on the setting of this important listed building and as such the proposal would accord with the heritage aims of the National Planning Policy Framework and Policy HA7 of the East Herts District Plan 2018 (EHDP).
8. For the above reasons the extension would not harm the character and appearance of the area and would accord with Policies HOU11 and DES4 of the EHDP which amongst other matters seek to ensure that extensions are of a high standard of design, and are subservient additions which are appropriate to the character, appearance and setting of the host dwelling and the surrounding area.

Other Matters

9. I have also had regard to the comments made in the representations, including the potential loss of light, privacy and outlook to the occupants of 40 Scotts Road and the proximity of the development to the pine tree in the front garden. However, I consider that none of the matters raised provide for a compelling reason why planning permission should not be granted.

Conditions

10. 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 relating to matching materials is also necessary.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

Chris Forrett

INSPECTOR