



Appeal Decision

Site Visit made on 12 July 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2021

Appeal Ref: APP/J1915/D/21/3270158

45 Dane Park, BISHOP'S STORTFORD CM23 2PR

- 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 P Keating against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2098/HH, dated 26 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is part single, part two storey rear extension and loft conversion, involving raising of roof ridge.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area, and
 - The effect the proposed extension on the living conditions of neighbouring occupiers of Maze Green Road with particular respect to privacy.

Reasons

Character and appearance

3. Dane Park is a residential through-road. The appeal site is adjacent to a corner plot, which is itself on the corner of Dane Park and Maze Green Road. The design of local housing is relatively diverse, although in form this predominantly consists of two-storey detached dwellings. The appeal dwelling is a largely simple form with a regular and simple form. In terms of form, scale and design the appeal dwelling accords with the predominant character and appearance of housing in the area.
4. The proposed rear extension would extend the host dwelling at three levels. The second-floor element would add substantial bulk to the dwelling above the existing eaves and ridge line of the roof. Furthermore, the new pitched roof elements would be far shorter than the roof of the existing house, due to the limited space between the proposed eaves and ridge. This would emphasize the mass of the second-floor element forming a stark addition and unwieldy side elevation. The size of the plot means that the dwelling could readily accommodate the additional footprint. However, the effect of the increased mass would be dominant at first and especially second floor level. This would unbalance the appearance of the dwelling and substantially undermine its simple form.

5. Due to the relationship of the appeal site to the corner plot, its south facing side elevation would be especially prominent in views from the highway over the garden of No 60. The proposal would be obtrusive in these open and prominent views from the public realm. During my visit, I did not observe extensions locally that were similar in form, scale or design. As a result, the proposed extension would not reflect the local pattern of development. Accordingly, the proposal would also be discordant with the predominant character of the wider area.
6. Some local properties have been extended. However, in contrast to the proposal, these additions are of limited scale and of designs that complement their host dwellings. Moreover, whilst local house-types are diverse these maintain and accord with the general street character of two-storey development and a largely consistent pattern of development. Therefore, although the proposal would consist of matching materials, this alone would not enable it to integrate well with the surrounding area.
7. As a result, the proposal would not accord with policies DES4 and HOU11 of the East Herts District Plan (2018)(DP). These seek, among other matters, for development to reflect and promote local distinctiveness and to be of a scale and mass that would be subservient to the host dwelling.

Living conditions

8. The appeal site is located on a hill. As such, 60 to 54 Maze Green Road (and houses beyond) recede downhill from the appeal site. Also, the garden of the host dwelling slopes gradually from its rear patio area, falling by around one metre, to its rear boundary. The appeal dwelling is therefore above the ground floor level of houses that are around the corner, with a first-floor bedroom window of the host dwelling enabling some views towards neighbouring rear gardens. This view is accentuated by the evident change in levels.
9. During my visit I observed the appeal site from the rear gardens of 56 and 54 Maze Green Road (No 56 and No 54). The garden of No 56 is terraced with a raised area at its rearmost section used as a patio area. The plot shares its rear boundary with a side boundary of the appeal site. The rear garden of No 54 is largely flat and shares part of its side boundary with the rear boundary of the appeal site. There are two trees on the west boundary of this neighbouring plot, which provide some albeit limited, screening of the appeal site.
10. The proposal would include rear facing windows at second floor and at first floor that would be closer to both of the gardens of No 54 and 56. These windows are large and would serve bedrooms. Although, primarily affording views to the rear of the plot, these would enable clear views into large areas of neighbouring rear gardens that would have a material impact on their occupiers enjoyment of their gardens. Due to their height at second floor, the size of the windows and the proposed use of the rooms the extent of overlooking would be substantial. This effect would be increased due to the local change in levels, the absence of screening and the proximity of the dwelling to the side boundary.
11. Consequently, the proposal would result in a significant loss of privacy, leading to a demonstrably adverse impact on the living conditions of neighbouring occupiers. Accordingly, the proposal would fail to satisfy policy DES4(c) of the DP, which requires development, inter alia, to ensure that the privacy of occupiers of neighbouring properties are not harmed.

Other Matters

12. Planning permission has been given¹ for a part single-storey, part two-storey rear extension. This is similar to the proposed extension at ground and first floor level but excludes the second-floor element of the scheme. It has eaves and a ridge line that aligns with the existing dwelling and therefore complements the design of the existing building. This is therefore substantially different to the proposed scheme in terms of design and with respect to the extent of overlooking capable towards neighbouring gardens. This has therefore had only a limited bearing on my consideration of the merits of the proposal.

Conclusion

13. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

B Plenty

INSPECTOR

¹ Planning Application Reference: 3/21/0007/HH