
Appeal Decision

Site visit made on 27 October 2021

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal Ref: APP/J1915/D/21/3276901
46 Cowper Crescent, Hertford, SG14 3DZ

- 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 Brenton and Gemma Peglar against the decision of East Herts Council.
 - The application Ref 3/21/0310/HH, dated 7 February 2021, was refused by notice dated 29 March 2021.
 - The development proposed is part demolition of the existing ground floor and the erection of a single storey rear extension and a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for part demolition of the existing ground floor and the erection of a single storey rear extension and a two storey side extension at 46 Cowper Crescent, Hertford, SG14 3DZ, in accordance with the terms of the application Ref 3/21/0310/HH, dated 7 February 2021, and the plans submitted with it, 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, GP 2020/01, GP 2020/101, GP 2020/100, GP 2020/10 and GP 2020/11.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Main issue

2. I consider that the main issue in this case is its effect on the living conditions of neighbouring residents.

Reasons

3. 46 Cowper Crescent is a two storey detached house in an established residential area. It has a single storey side extension adjoining the boundary with No. 44. The latter is set at an angle to No. 46 as a result of its location on the outside of a bend in the road.

4. I consider that the relevant policy in this case is DES4 of the East Herts District Plan 2018. This seeks to ensure, among other things, that development, including extensions to existing buildings, avoids significant detrimental impacts on the amenity of the occupiers of neighbouring properties.
5. The proposed two storey side extension would extend the full depth of the house along the boundary with No. 44. It is a variation of a previous scheme for a two storey extension in that it would have a hipped rather than a gabled roof, with eaves set at the same height as the existing house. The distance between the proposed extension and the side wall of No. 44 would vary between approximately 2m and 3.5m because of the angle between the two properties.
6. There is a first floor window in the side wall of No. 44 facing No. 46 which I understand is the only window that serves a bedroom. No. 44 appears to have been extended at some time to the full two storey height at the rear which may have necessitated the insertion of the present side window to serve that room. There would be some diminution of outlook from inside the room. However, I consider that while this is not ideal either for present or future occupiers, the impact would be mitigated by the hipped roof and light levels would remain acceptable.
7. I note that the present occupiers of No. 44 have submitted a representation in support of the proposal and this, together with the benefits to the appellants of the increase in the amount of accommodation, adds weight to my finding on the limited impact of the proposal on the neighbours' amenity.
8. I conclude that the proposal would not cause harm to the living conditions of occupiers of the neighbouring property by reason of overbearing or loss of light or outlook and that it is consistent with policy DES4 of the District Plan.
9. For the reasons given above, the appeal is allowed.

Conditions

10. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.

PAG Metcalfe

INSPECTOR