



Appeal Decision

Site visit made on 5 January 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2022

Appeal Ref: APP/N1920/D/21/3286964

1 Ayot Path, Borehamwood, WD6 5BJ

- 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 C Burmali against the decision of Hertsmere Borough Council.
 - The application Ref 21/1890/HSE dated 16 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is single storey side and part of front extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposal upon the character and appearance of both the host dwelling and the wider street scene.

Reasons

3. The appeal site is a previously extended two storey, end of terrace, dwelling in a corner plot. The proposal seeks to construct a single storey front and side extension along with alterations to the fenestration. I note the site has planning history from the Council's delegated report, in particular planning permission granted under reference 17/1426/HSE (the previous permission). The Council's report outlines that the appeal proposal is of a similar description to the previous permission and that the scale of the extension has been reduced and now features a flat roof. Despite this, I do not have copies of the approved plans for the previous consent to enable me to consider whether the previous permission may be of relevance within this appeal. I am, therefore, unable to attribute weight to this previous permission and have determined the proposal before me on its own merits.
4. The proposal would infill the L shaped right-hand side elevation of the host dwelling and would project forward of the front elevation by 4.71m which would take built form up to the front boundary as can be seen on the proposed ground floor plan/site plan in blue. The height of the flat roofed structure would be 3m with a width of 4.76m. The Hertsmere Local Development Framework Planning and Design Guide (Part E: Guidelines for Residential Extensions and Alterations) 2006 (the Design Guide) advises that front extensions larger than a porch will be refused if they stand out as bulky, out of character or adversely change the appearance of the house and street. The Design Guide is, however, noted to be guidance albeit the relevant policies do make reference to compliance with it. It falls to consider the impact of proposals which may be considered as contrary to this advice.

5. The flat roof and overall design do not respect the hipped roof of the host property which is exacerbated by the overall depth and scale which is proposed. The proposal presents as an unsympathetic, box-like, addition to the host dwelling. This, combined with the scale and depth projecting significantly beyond the front elevation, I find to mean that the proposal would be a bulky and incongruous addition which would be detrimental to the character and appearance of the host dwelling itself. The proposal fails to present as subservient, is a major change to the front elevation and would alter the overall appearance of the host dwelling.
6. At the time of my site visit I noted that the area is predominantly characterised by terraced and semi-detached properties which are constructed of red and brown brick. The properties in the area have simple designs and frontages with none of them featuring any front or side extensions comparable to the scale of the appeal proposal. The proposal would be uncharacteristic within the street scene. Additionally, within the street scene, the appeal site is prominent due to its end, corner, plot along which runs a public footpath between Aycliffe Road and Walshford Way.
7. I consider the proposal would negatively impact upon the character and appearance of the wider street scene as a result of it proposing built form, at a height of 3m and width of 4.76m, hard up to the boundary adjacent to the public footpath. The proposal would also detract from the open character and appearance which I find is created by the existing front garden as an end plot which contributes to the open feel around the appeal site when combined with the open space beyond.
8. I note the appellant's willingness to accept conditions, however, given the issues I have found I do not find that the imposition of conditions would make the proposal acceptable against the relevant Local Plan policies. The personal preference of the appellant, to provide additional space for their family, is noted but this does not create circumstances which would outweigh the impacts or policy conflict that I have identified.
9. The proposal would be contrary to Hertsmere Core Strategy 2013 Policy CS22 which requires proposals to take advantage of opportunities to improve the character and quality of an area and Site Allocations and Development Management Policies Plan 2016 Policy SADM30 which requires development to respect, enhance or improve the visual amenity of the area by virtue of its scale, mass, bulk, height and urban form.
10. The proposal would also be contrary to the guidance contained within the Design Guide which requires that extensions to the front of the house must be minor and not alter the overall appearance of the house or dominate the character of the street and would also be contrary to paragraphs 130 a) and c) of the National Planning Policy Framework 2021 which requires decisions to ensure development will function well and add to the overall quality of an area and is sympathetic to local character.

Other Matters

11. Whilst the appellant contends that the proposed extension could be deemed within permitted development rights in most situations this statement has not been supported by evidence within the appeal before me. It is not within the scope of this appeal to determine whether a proposal would fall within the

parameters of permitted development but a projection of this scale, forward of a front elevation, would be unlikely to represent permitted development. Reliance on such matters, for example as a fallback, should be appropriately evidenced through channels such as proposed certificates of lawfulness in order to allow them to be given weight where appropriate as a material consideration.

12. Comments were submitted from the neighbouring property as part of the original application. I have dealt with the proposal in regard to character and appearance in the area within this decision letter. Matters relating to the construction of previous extensions and their permissions are not matters which fall for consideration within this appeal. This appeal seeks to consider the merits of the proposal based upon the evidence before me. Matters relating to boundaries and/or party walls are a civil matter.
13. Light to neighbouring properties has been raised, however, the Council do not raise any refusal reason based upon neighbouring amenity with regard to such matters. At the time of my site visit, prior to entering via the front gate of the appeal site, I entered the site from the East via the parking accessed off Walshford Way and viewed the proposal in the context of the neighbouring property. Given the location of the existing rear extension and the separation distance of the boundary to the proposal I have no reason to conclude differently to the Council's assessment of residential amenity as set out in the delegated report. I find there are no concerns with regard to the 45-degree line, loss of light or outlook to justify refusal on this basis.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR