



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: 19th January 2022

Appeal Ref: APP/N1920/D/21/3283006

47 Battlers Green Drive, Radlett, WD7 8NE

- 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 Kaushik Gowda against the decision of Hertsmere Borough Council.
 - The application Ref 21/1322/HSE dated 23 June 2021, was refused by notice dated 20 August 2021.
 - The development proposed is single storey rear and side extension, first floor part rear and part side extension, addition of a front porch, addition of a new outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon i) the street scene and character of the area and ii) the amenity of neighbouring occupiers.

Reasons

3. The appeal site is a two-storey, semi-detached, dwelling within a residential area. There are several elements to the appeal proposal as outlined in the development description within the header of this decision letter. The refusal reasons are clear in their relation to the proposed extensions only and do not raise a refusal reason which relates to the proposed outbuilding. I have no evidence before me to conclude differently with regard to the proposed outbuilding. For the avoidance of doubt this appeal letter will deal with the proposed extensions in the context of each of the refusal reasons only.

Street scene and character of the area

4. The Council's delegated report is clear, in relation to the proposed extensions, that the first refusal reason relates to the proposed side extension only. The appeal site stands at the end of a row of three pairs of semi-detached dwellings in the immediate area and at the time of my site visit I found that Battlers Green Drive is characterised by groups of dwellings which are uniform in style with consistent building lines and minor front alterations such as porches.
5. I find that the principle of a porch, as noted in other examples by the appellant (no. 35, no. 53 and no. 57) is not unacceptable, it is the combination of the proposals upon which the refusal reason is based. A key consideration is also that the neighbouring property, no 45 Battlers Green Drive (no. 45), is stepped back notably in comparison to the appeal site with its front elevation being approximately half way down the side elevation of the appeal site. The side

elevation of the appeal side is thus visually prominent, and thus more sensitive to change, within the street scene.

6. I noted, during my site visit, a change in bricks and roof tiles at no. 45 which indicates that the neighbouring property has already been extended to within a metre of the side boundary. There is already built form to the side of the host dwelling which is sited up to the flank boundary albeit it is much smaller in scale, being a single storey flat roof side extension, and set back from both the front elevation of the host property and the neighbouring property at no.45. The appeal proposal has been designed in such a way which would maintain separation of around 2m in total at first floor level. I find that this would prevent a visual terracing effect between the two properties.
7. Despite this the ground floor extension would project forward of the original front elevation due to the integrated design with the porch creating an L shaped extension. The combination of these elements I find to significantly alter the appearance of the dwelling. This, combined with the first floor side extension, I find would appear prominent within the street scene particularly when approaching the site from the North East as it would be exacerbated by the fact the appeal site is already located notably forward of the neighbouring dwelling at no. 45. The proposal would result in an incongruous feature in the street scene which would be detrimental to the character of the street scene.
8. I note reference to an example provided, by the appellant, at no., 29 Battlers Green Drive which I noted as part of my site visit as I parked in the bays next to this property when I walked up to the appeal site. Reference is made to a further application at the same property but no information, such as plans, have been submitted which does not enable me to make draw any conclusions nor enable me to attribute weight to that consent within the context of this appeal. Each case must be considered on its own merits and in the case of the appeal before me it is the combination of the side extension (at ground and first floor), with the porch, which I find cumulatively would significantly unbalance the appeal site as part of a pair of properties and negatively impact upon the character of the area.
9. The proposal would be contrary to Hertsmere Local Plan Core Strategy 2013 (CS) 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 (SADM) Policy SADM30 which states that development must respect, enhance or improve the visual amenity of the area and make a positive contribution to the built environment.
10. The proposal would also be contrary to the Radlett Plan (Neighbourhood Development Plan) 2020 Policy HD3 which requires development to respect local character and amenity and paragraphs 130 a) and c) of the National Planning Policy Framework 2021 (the Framework) which requires decisions to ensure development will function well and add to the overall quality of an area and is sympathetic to local character.

Amenity of neighbouring occupiers

11. The second refusal reason is specific in its concerns: that the siting and scale of the proposed rear extension would be overbearing and cause an unacceptable sense of enclosure to the detriment of the amenity of the adjoining residents at

- no. 45 and that the side extension would increase the sense of enclosure as a result of the ground floor side extension being up to the boundary.
12. The rear extension would result in two storey development to the rear of the appeal site but it is noted that this would be away from the shared boundary in that it would not breach the 45-degree line. The Council note no material loss of light or overshadowing. I note that the neighbouring property is slightly lower, however, given that the first floor rear extension would be away from the boundary with the garden I do not find it would result in an overbearing impact or sense of enclosure which would warrant refusal.
 13. The appeal site is already notably forward of no. 45 and the ground floor side extension would breach the 45-degree code with regard to the kitchen window at no. 45. The impact of these factors is that the proposed side extension would bring built form, at ground level, notably forward of no. 45 and hard up to the shared boundary where there is presently some separation between the neighbouring property and the existing side elevation of the appeal site. The first floor side extension is noted to be stepped in from the boundary but overall I find that the combination of proposals forming the side extensions would result in an overbearing and obtrusive relationship with no. 45 which would be detrimental to the amenity of neighbouring occupiers and their outlook.
 14. I note the appellant's comment regarding a lack of information regarding windows serving the kitchen at no. 45, however, I have no evidence before me to confirm that there would be reduced impact as a result of any additional rooms serving the room in question. There is no evidence before me to support there would be not impact detrimental to the amenity of neighbouring occupiers as outlined above.
 15. The proposal would be contrary to SADM Policy SADM30 which requires development to have limited impact on the amenity of neighbours in terms of outlook and paragraph 130 f) of the Framework that requires developments to create places with a high standard of amenity for existing and future occupiers.

Other Matters

16. I note that there are comments from third parties in relation to the proposal. Comments regarding the proposed outbuilding are noted but neither the Council's report, nor refusal reason, raises issue with the outbuilding and I have no evidence before me to conclude differently on this element as a result of my site visit. I note concern has been raised regarding the windows in the outbuilding looking to the neighbouring house and garden but find that due to the existing boundary fencing I do not find these would result in undue overlooking.
17. I have dealt with matters relating to neighbouring amenity and design earlier within this decision letter. I have no evidence before me to support that the proposal would result in a loss of light and for a scheme of this nature the disruption arising during construction would be short term and could have been controlled via condition for a construction management plan had the proposal been found acceptable in other regards.
18. Both parties make reference to Planning and Design Guide Part E 2006 – Guidelines for Residential Extensions and Alterations. Whilst both parties are

noted to paraphrase elements of the guidance no copy of this document has been submitted as part of this appeal. I am, therefore, unable to appropriately assess the proposal against this guidance. Notwithstanding this the guide is just that – guidance. Both parties note, in their references to this guidance, that the proposals in question are required to preserve the character of the area and not adversely impact upon the residential amenity of neighbouring dwellings. I have found the side extensions would not preserve the character of the area and would impact upon neighbouring amenity when assessed against the relevant Local Plan policies outlined above.

19. The appellant's willingness to accept conditions relating to use of the outbuilding are noted, however, the issues which have been identified do not relate to this element of the appeal and I do not find that conditions would have made the proposal acceptable in other regards in this case due to the issues identified.

Conclusion

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

Eleni Randle

INSPECTOR