



Appeal Decision

Site visit made on 15 March 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal Ref: APP/N1920/D/21/3287712

36 Wetherby Road, Borehamwood WD6 4LH

- 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 Terry Howes against the decision of Hertsmere Borough Council.
 - The application Ref 21/1488/HSE, dated 17 July 2021, was refused by notice dated 20 September 2021.
 - The proposed development was originally described as a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of neighbouring occupants, with reference to outlook and light.

Reasons

Character and Appearance

3. The appeal site occupies a corner plot at the junction of Theobald Street and Wetherby Road. The dwelling is attached to the terrace on Theobald Street, but the front entrance is located on the Wetherby Road elevation, and from my observations, this forms the principal elevation. Due to its orientation, the main garden is located to the side of the dwelling, screened from the road by a mature hedgerow. A detached garage with off-street parking in front stands to the far end of the garden.
4. The extension would infill the space to the rear between the kitchen and the boundary with 250 Theobald Street and would wrap around the main dwelling, forming a side extension of some 3.6 metres in width and a total of 10.75 metres in length that would project forward of the main front elevation and the existing porch. A brick wall would continue forward of the extension to meet the front hedge on the same line as the existing timber fence. The extension would have a flat roof at 3 metres in height.
5. The Hertsmere Planning and Design Guide Supplementary Planning Document Part E (November 2006) (the PDG) sets out that both side and rear extensions should be secondary in size to the main dwelling. It adds that front extensions that are larger than a porch will be refused if they stand out as bulky, out of character or adversely change the appearance of house and street.

6. In terms of design, the PDG states that to help the extension blend in, the design and style of the roof should match that of the main roof of the original house, and that parapet walls would be refused where they are visible on the street or do not reflect the prevailing design of the street scene. The PDG also advises that on corner plots where extensions are likely to be visible from the street they should be set back from the building lines in each street.
7. The extension would be significant in its footprint and massing, notwithstanding the flat roof. Its overall size and wraparound design would create a substantial structure that would markedly alter the original scale and form of the dwelling, such that it would form a dominant feature rather than a secondary one. The extensive flat roof with parapets would not reflect the design of the main hipped roof. In these respects, the proposal would fail to accord with the guidance of the PDG.
8. I accept that much of the massing of the extension would be screened from certain vantage points along Wetherby Road by the front hedge. However, the hedge could be removed or lowered in height, and cannot be relied upon as a permanent form of screening. This aside, at 3 metres high, the extension would be clearly visible from the street corner, given the low hedge which exists to the front of the dwelling itself. This projecting element would be considerably larger in massing than the front porch, with which it would compete physically and visually, eroding the symmetry of the front elevation and harming the overall legibility of the building. This would further conflict with the PDG.
9. Such a forward projection is also uncharacteristic of the wider street scene, with no comparable examples to neighbouring dwellings. I saw that dwellings opposite the appeal site at Nos 33 and 35 are also orientated towards Wetherby Road and are similar in design to the appeal site. The proposal would erode the consistency of design which exists across these three dwellings. Given these factors, the extension would appear as a jarring and conspicuous addition that would fail to integrate with its surroundings.
10. The appellant points to several other developments in the district, which I observed at my site visit. However, these examples are located on different streets with different site contexts. They also differ in form, scale and position relative to the main dwellings, and I am not provided with full details of their planning history to understand the circumstances which led to permission being granted, if it was. Therefore, I do not regard these examples as being directly comparable to the appeal scheme. Instead, I have determined the proposal on its own merits and on the basis of the site specific evidence before me.
11. For the reasons set out, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policy CS22 of the Hertsmere Core Strategy (January 2013) and Policy SADM30 of the Site Allocations and Development Management Policies Plan (November 2016), which together seek to secure high quality design that complements the local character and makes a positive contribution to the built environment. There would also be conflict with the aforementioned guidance of the PDG, and with the design aims of the National Planning Policy Framework (the Framework).

Neighbours' Living Conditions

12. The proposed extension would project some 5.74 metres along the shared boundary with 250 Theobald Street and at 3 metres in height would stand

around 1 metre higher than the existing boundary fence. At this depth, the proposal would conflict with the PDG, which sets out that the Council is likely to resist ground floor rear extensions that are deeper than 3.35 metres, unless a 45 degree line to the edge of rear neighbouring habitable windows can be comfortably maintained. I saw that the nearest openings on the neighbouring rear elevation appeared to be solid doors, with a window beyond these. Despite the window being set well back from the boundary, the depth of the proposed extension is such that the 45 degree line would still appear to be breached.

13. I saw that the neighbouring dwelling is located to the north-west of the appeal site. As a result, the existing two storey massing of the appeal dwelling already obscures sunlight and casts shadow over the neighbouring dwelling and the closest parts of the rear garden at certain times during the day. However, the existing massing is relatively shallow in depth and is recessed from the common boundary. As such, there remains a sense of space and outlook to both sides of No 250, as well as to the rear down the long garden.
14. The proposal, by increasing the height directly on the boundary for a substantial distance, would create an imposing wall that would curtail outlook to one side of the property, and thereby increase the sense of enclosure experienced by neighbours, particularly when viewing out from the rear window or when sitting within the patio area nearest the dwelling. The additional height and depth of the extension to the south-eastern side of No 250 would also lead to loss of sunlight and increased overshadowing of the neighbouring dwelling. Whilst these effects would be modest given the scale and orientation of the existing dwelling, they would compound the overall sense of enclosure and worsening of outlook for neighbouring occupants.
15. I note the appellant's willingness to reduce the depth of the extension to accord with the guidelines of the PDG; however, that would involve a material change to the overall size and shape of the proposal, for which drawings have not been provided. Consequently, there is not a realistic alternative scheme before me and I have based my considerations on the plans originally submitted.
16. For these reasons, I conclude that the proposal would cause harm to the living conditions of neighbouring occupants through loss of outlook and light, contrary to the aforementioned Policies CS22 and SADM30, in terms of their aims to create attractive and usable places that have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution. There would also be conflict with the guidance of the PDG and the Framework aims of creating places with a high standard of amenity for existing and future users.

Conclusion

17. For the reasons set out, therefore, I conclude that the appeal conflicts with the development plan, taken as a whole, and material considerations do not indicate that permission should nevertheless be forthcoming in spite of this conflict. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR