



Appeal Decision

Site visit made on 26 July 2022

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/N1920/C/21/3284407

Land at 12 Russet Drive, Shenley, Hertfordshire WD7 9RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Sam Whiteman against an enforcement notice issued by Hertsmere Borough Council.
 - The notice was issued on 9 September 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of two single storey timber side extensions to the east elevation of the property.
 - The requirements of the notice are: Permanently remove single storey extensions attached to the east elevation of the property; Make good any damage to the host dwelling that may arise from the removal of the extensions; Remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.
 - The period for compliance with the requirements is five months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of two single storey timber side extensions to the east elevation of the property at 12 Russet Drive, Shenley, Hertfordshire WD7 9RH as shown on the plan attached to the notice, subject to the condition in the Schedule at the end of this Decision.

Ground (a) appeal

Main Issue

2. The main issue in this ground of appeal is the effect of the development on the character and appearance of the host dwelling and its surroundings.

Reasons

3. The appeal property contains a modern detached two storey dwelling, with brick faced elevations under a smooth concrete tiled roof. A gable-fronted elevation faces towards the street. The dwelling is set well back from the street and is approached by a shared private drive which runs between gardens containing maturing trees and shrubs.
4. The property is located on part of a planned residential estate where detached dwellings vary slightly in terms of their elevational treatments and utilise complementary external finishes. The dwellings generally occupy good-sized

plots, with reasonable space between the built forms and the boundaries. These factors contribute significantly to the pleasant, reasonably spacious and harmonious suburban character and appearance of the surrounding area. A condition of the planning permission for erecting this part of the estate removed residential 'permitted development' rights¹. The planning status of some fencing and residential outbuildings in the vicinity is therefore uncertain. Even so, a good number of the nearby boundary treatments are likely to have originated when the estate was built.

5. The enforcement notice attacks two single storey extensions erected between the side elevation of the dwelling and the boundary with neighbouring back gardens. Extension one is slightly set back from the principal elevation and has a shallow angled pitched roof. This extension is limited in width as well as overall height, being only slightly taller than the adjacent boundary fencing. Extension one is therefore perceived as a modest built feature in relation to the considerably greater scale of the host dwelling.
6. The timber panel walls reflect the adjacent close boarded fencing and other boundary treatments in the locality. The use of translucent plastic roof sheeting contributes to the extension having an insubstantial feel. Whilst the external finishes clearly differ from those of the host dwelling, they are nevertheless complementary. The walls and roof of the extension have neutral and lightweight qualities which sit alongside the more robust brick elevations of the host dwelling with relative ease. The external finishes also underpin the sense of the extension as a secondary residential structure, not dissimilar in scale or appearance to fencing or a garden shed-built features that are not unusual in a residential context. The limited visual presence of the extension is further offset by maturing planting between the host dwelling and the street and in adjacent gardens. Consequently, extension one integrates well with the host dwelling and is perceived as an unremarkable built feature, not appearing awkward or upsetting any sense of balance in the principal elevation.
7. Extension two is at the rear of extension one and is similar in terms of its length and roof pitch but is slightly taller, as well as being appreciably narrower. Similar comments therefore apply concerning the scale of extension two in relation to that of the host dwelling. Nevertheless, with walls of painted reconstituted timber boards and a roof covered in mineral felt this extension has a rather makeshift feel, not respecting the external finishes of the host dwelling or that of similar structures in the vicinity and being at odds with the visual qualities of its surroundings. Although there are limited public views towards the rear of the property, extension two can be seen from adjoining residential property, thereby emphasising its appearance as an alien built feature and contributing to an erosion in the visual qualities of the area. Alternative external finishes, for example similar to those of extension one, would achieve better visual integration with the host dwelling and its surroundings, thereby addressing the harm identified. A condition could be imposed to achieve that end.
8. The extensions are considerably less than half the width of the host dwelling, they are parallel to the side elevation and set back from the principal elevation. Although different, the roof pitch angles are not appreciably at odds with that of the host dwelling and the external finishes are either complementary or can

¹ Council Ref: 93/0927/TP.

be made so. Whilst the extensions are inset from the boundary by less than 1 m, there is no significant erosion in the sense of space about the host dwelling, or of the spatial qualities of the locality in general. Consequently, both extensions largely take account of advice in the Council's Planning and Design Guide Part E: Guidelines for Residential Extensions & Alterations, whilst any inconsistency has had no adverse visual consequences. Neither main party referred in detail to the Council's Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development. However, the extensions are broadly consistent with advice in section 2 of that document, in particular relating to separation distances and materials.

9. Therefore, the extensions do not cause unacceptable harm to the character and appearance of the host dwelling or that of the surrounding area. It follows that the extensions accord with criteria in Policy SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan, by recognising and complementing the character of the local area and respecting visual amenity, having regard to their scale and height. For similar reasons, the extensions accord with Policy CS22 of the Council's Core Strategy. The main parties also drew my attention to the Shenley Neighbourhood Plan (NP). The NP was adopted in May 2021 and forms part of the Development Plan for the area. There is accordance with NP Policy SC1 due to the local character and built environment being protected as well as NP Policy SC6, given the careful consideration to the space about the host dwelling. Furthermore, by achieving a well-designed place the extensions are consistent with paragraphs 130 and 134 of the National Planning Policy Framework.

Conditions

10. After seeking the views of the main parties, I have imposed a condition requiring the submission to and approval by the Council of a scheme to replace the external finishes of extension two and the implementation of that scheme within a set timetable. The condition is necessary to safeguard the character and appearance of the host dwelling and that of the surrounding area. As the extension can be clearly identified, the condition would be sufficiently precise. The condition is drafted in the form set out below because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the implementation of the required modification works, because the development has already taken place. The purpose and effect of the condition is therefore to ensure that extension two may only remain if the appellant complies with its requirements.

Conclusion

11. For the reasons given above, I conclude that the appeal should succeed. I shall grant planning permission for the erection of two single storey timber side extensions to the east elevation of the property as described in the notice. The appeal on ground (f) does not therefore fall to be considered.

Stephen Hawkins

INSPECTOR

CONDITIONS SCHEDULE

- 1) Unless within two months of the date of this decision a scheme for replacing the external wall and roof finishes of the rearmost side extension is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within three months of the Local Planning Authority's approval, the rearmost side extension shall be demolished and all of the resulting demolition materials removed from the site.

If no scheme in accordance with this condition is approved within six months of the date of this decision, the rearmost side extension shall be demolished and all of the resulting demolition materials shall be removed from the site.

Upon implementation of the approved scheme specified in this condition, the rearmost side extension shall thereafter be maintained with external finishes in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.