



Appeal Decision

Site visit made on 13 October 2022

by J.D. Westbrook BSc(Econ) Hons, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/N1920/D/22/3299868
9 Three Valleys Way, BUSHEY, WD23 2FF

- 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 Rama Mylarapu against the decision of Hertsmere Borough Council.
 - The application Ref 22/0057/HSE, dated 12 January 2022, was refused by notice dated 9 March 2022.
 - The development proposed is the construction of single-storey front and first-floor side extensions.
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a single-storey front extension. The appeal is allowed insofar as it relates to the construction of a first-floor side extension, at 9 Three Valleys Way, BUSHEY, WD23 2FF, in accordance with the terms of the application, Ref 22/0057/HSE, dated 12 January 2022, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 2) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: P/21/254/005 Rev A, P/21/254/004 Rev A; P/21/254/001 Rev A.
 - 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposed extensions on the character and appearance of the area around Three Valleys Way.

Reasons

3. No 9 is a three-storey house situated on the southern side of Three Valleys Way. Three Valleys Way provides access from Aldenham Road into a small modern housing estate that contains a number of two- and three-storey dwellings of varying design. No 9 is an end-terraced house with an attached

double garage that has access from a small garage court to the side of the appeal property. The garage court is served by a covered driveway between the appeal property and the neighbouring No 11.

4. The proposed development would involve the construction of a first-floor side extension above the existing double garage. It would also involve the construction of an extension to the garage building at the front of the property.
5. Policy CS22 of the Council's Core Strategy (CS) indicates that the Council will require all development to be of high quality design, and that development proposals should take advantage of opportunities to improve the character and quality of an area. Policy SADM30 of the Council's Site Allocations and Development Management Policies Plan (SADM) indicates that development should make a positive contribution to the built environment; recognise and complement the particular local character of the area in which it is located; and result in a high quality design. In order to achieve a high quality design, a development must respect, enhance or improve the visual amenity of the area by virtue of its scale, mass, bulk, height, and urban form.
6. The Hertsmere Planning and Design Guide (SPD) indicates that first-floor side extensions should reflect the design of the main house and remain secondary in size and appearance. There is also guidance relating to the need for set-back and set-in with regard to such side extensions. In general, where separation between buildings is a characteristic feature, dwellings should be separated to retain openness (sky views) and to prevent a terracing effect.
7. The Council contends that the proposed first floor side extension, due to its design, scale, mass and bulk and lack of subservience would significantly reduce the separation with the adjacent property, resulting in an unacceptable terracing effect where the street scene is characterised by sky gaps between dwellings. In addition, the front extension of the garage onto the existing landscaping would reduce the separation from the public domain and bring the built form forward of the principal elevation of the main dwelling, which would be detrimental to the design of the residential development and the character of the area.
8. The appellant contends that the proposal is proportionate to the host dwelling and street, as it is lower than the host dwelling and adjoining houses. The extension would, therefore, appear secondary to the main dwelling. In addition, the proposal would maintain the design paradigm of the main house and the street; would integrate with the existing built form, being set down and set in from the adjacent dwelling; and would retain a sky gap between the appeal property and the adjacent dwelling. With regard to the proposed front extension, the appellant contends that the proposed landscaping at the front of the plot has not been planted some 12 years since the original consent, and that the landscaping scheme is therefore not enforceable in planning terms.

The first-floor side extension

9. The current dwelling is a three-storey building with a single-storey double garage to the side. The garage appears to be wider than the main front elevation of the house, and the juxtaposition of the three-storey and single-storey elements appears jarring and somewhat incongruous in the street scene. There are no other similar examples within the overall streetscape. The proposed extension would provide a more visually appropriate step down. It

would be set back a small amount from the main front elevation of the house and would have windows in the front elevation as a relief from the otherwise solid brick wall currently exhibited by the garage.

10. The extension would project across the whole width of the garage, but this would still leave a substantial visual sky gap above the covered entrance to the garage court. This gap would also effectively prevent any terracing effect from becoming apparent in the street scene. I note that there are other gaps of varying widths between groups of houses on both sides of the road, including wide road entrances, narrower driveways serving garages, and small gaps between terraces, as occurs, for example, in the middle of Nos 2 -16. The remaining gap between No 9 and the neighbouring No 11 would not, therefore, appear out of character with the rest of this part of the road.
11. In conclusion, I find that the proposed first-floor side extension, by virtue of its limited height and set back nature, would appear as subservient to the main house, and it would provide a visual step down between the three-storey house and the single-storey covered entrance to the garage court. It would maintain a sky gap and would not lead to a terracing effect. This, coupled with the overall sympathetic basic design features, would ensure that the side extension would respect, and arguably enhance the visual amenity of the area.
12. In the light of the above, the proposed first-floor side extension would not conflict with Policy CS22 of the CS, Policy SADM30 of the SADM, or relevant guidance in the SPD. Accordingly, I allow the appeal insofar as it relates to the construction of the proposed first-floor side extension.

The front extension

13. The current garage is some 6 metres wide and has a pitched roof. It is set back around 0.2 metres from the front elevation of the main house. The front elevations of Nos 1-9 have shallow bay windows at ground- and first-floor levels and are set back from the rear of the pavement by only some 2 to 2.5 metres. The front garden areas are grassed with some small-scale planting. The proposed front extension would project approximately 1.2 metres further forward along the full width of the existing garage. On this basis it would project further forward than the existing bay windows and would take up a substantial part of the front garden area on over half of the width of the plot.
14. The houses from the neighbouring No 11 onwards to the west are set much further back in their plots, such that the terrace containing the appeal property, with its very shallow front gardens, appears as very close to the roadway. I consider that the proposed front extension would encroach unsympathetically into the limited open space at the front of the property. It would result in a long blank brick wall extending very close to the rear of the pavement in a manner that would be harmful to the visual amenities of the area. It would project beyond the front bay of the main dwelling and would occupy a significant amount of the grassed and landscaped area associated with the front of the property.
15. I note the comments of the appellant regarding the lack of tree planting to the front of the property, but with or without planting, the grassed area is an important open feature along this part of the road, and the reduction in its depth as a result of the front extension would not respect, enhance or improve

the visual amenity of the area. It would be harmful to the character and appearance of the area around Three Valleys Way.

16. I also note the comments of the appellant regarding the limited size of the garage. I have some sympathy with this view, but it is not sufficient to outweigh the harm to the character and appearance of the area that would result from the proposed front extension.

17. In the light of the above, the front extension would conflict with Policy CS22 of the CS and Policy SADM30 of the SADM and, accordingly, I dismiss the appeal insofar as it relates to the construction of the proposed front extension.

Conditions

18. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR