



Appeal Decision

Site visit made on 21 November 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2022

Appeal Ref: APP/J1915/D/22/3306001

52 Mazoe Road, Bishops Stortford, Hertfordshire, CM23 3JT

- 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 Tanner Brooks against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1127/HH, dated 20 May 2022, was refused by notice dated 5 August 2022.
 - The development proposed is the erection of a gable end roof extension with 2 No. dormers & velux skylights, a porch, a rear extension to facilitate open plan living space with bi-fold doors and lantern light, and replacement windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: -
 - The character and appearance of the area, and
 - The living conditions at 50 Mazoe Road, with particular regard to privacy, and at No 54 with particular regard to privacy and outlook.

Reasons

3. The appeal relates to a modest sized, detached bungalow with a hipped roof including a small, box-like dormer to one side, subservient forward and rear projecting gables that span roughly half the width of the dwelling, and with a flat roof, single-storey extension to the rear. The plot occupies a corner location with a side return to Mazoe Close, a short residential cul-de-sac, and is located within a wider residential neighbourhood comprising a mix of property types, sizes and ages.
4. The property is currently in a very poor state of repair. The proposal involves a number of elements that would see it substantially remodelled. These would include hip to gable changes with an increase to the roof's ridge height, a full width gabled projection to the rear in lieu of the existing extension with 'box-like' dormers to each side, and a further single-storey, flat roof extension beyond.

Character and Appearance

5. The modifications to the main roof of the dwelling, together with its remodelled front elevation, would appear well-proportioned and comfortable in the street scene, reflective of similar building styles along Mazoe Road, including the immediately adjacent property at No 54.
6. In isolation, the gabled extension to the rear would similarly mimic the form of No 54 and would be seen as an appropriately integrated part of the dwelling's modified appearance. The single-storey element beyond would appear as a conventional rear extension, modest in scale and comfortable within the rear garden setting of the plot. However, the overall bulk and visual impact of the extensions to the rear of the building would be heavily influenced by the side dormers. These would both occupy almost the full extent of the side roof slopes where they would extend beyond the main rear wall of the original dwelling. The dormers would be only marginally set down from the ridge of the roof, marginally up from the eaves, and marginally set back from the rear facing gabled elevation. They would be dominant features within this portion of the building and would serve to create an alternative impression of the gabled extension as being an incongruous flat roofed addition that would be out of scale with, and unsympathetic to, the overall form of the dwelling.
7. Both dormer windows would be openly seen from the public domain, either in the gap between the appeal property and No 54, or from Mazoe Close. Due to their excessive size and bulk, they would result in a development that would be intrusive within the street scene and visually harmful to the character and appearance of the area. As such, there would be conflict with Policies DES4 and HOU11 of the East Herts District Plan October 2018 (EHDP) as far as they require extensions to dwellings to be, amongst other things, of a size, scale, mass, form, siting and design that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area. For the same reasons there would be conflict with Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley 2016-2032 which relates to the setting and character of buildings, streets and spaces.
8. The appellant has drawn my attention to a variety of side roof additions along Mazoe Road and the wider area, many of which I saw for myself during my visit. However, I have no knowledge of the planning history to any of these. In addition, many serve to demonstrate the harm that can be caused by insensitive roof alterations. Furthermore, I saw none that could be directly compared to the context or setting of the appeal site. None of these other examples alter my conclusions regarding this first main issue.

Living Conditions at 50 and 54 Mazoe Road

9. No 50 Mazoe Road occupies the corner plot on the opposing side of Mazoe Close. The proposed dormer to the northeast elevation of the appeal property would overlook Mazoe Close and would face towards the rear garden of No 50 with a separation distance to this neighbour's side boundary of around 8m.
10. The Council is concerned that the window would provide sight into the intimate parts of the rear garden to No 50. However, the first-floor plan on the application drawings shows that the window opening within the side dormer would serve an en-suite bathroom. Whilst the drawings do not show the glazing to be obscure, it is reasonable to expect that this would be the case. Had I been minded to allow the appeal, I am satisfied that a condition could

reasonably have been imposed to require the glazing to be obscure and fixed up to a specified height. This would safeguard the privacy at 50 Mazoe Road.

11. The window to the opposite side dormer would face towards No 54. The Council are satisfied that any outlook over the neighbour's rear garden would be obscured by the existing garage at No 54 and which is positioned along the common boundary between both properties. I have no reason to disagree.
12. A first-floor window within the apex of the new side gable to the appeal property would serve a hallway. As a non-habitable space, it would be reasonable to secure obscure and appropriately fixed glazing to this window opening by condition. This would safeguard the neighbour's privacy at No 54.
13. No 54 has a first-floor, side facing bedroom window. The enlarged scale of the appeal property would unquestionably be seen in the outlook from this window and at closer quarters. However, a reasonable separation distance would still be retained between both dwellings. Moreover, despite the incongruous form of the dormers that I have identified above, the overall scale and height of the modified dwelling as a whole would not, in my assessment, be excessive or overbearing. I am satisfied therefore that the proposal would have no impact upon the living conditions at 54 Mazoe Road that would be significant or harmful.
14. Overall, I find no conflict with EHDP Policy DES4 as far as it requires development to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land.

Conclusions

15. Notwithstanding my findings as they relate to the impact of the proposal upon the living conditions of adjoining occupiers, for the reasons given I find that the proposal would be harmful to the character and appearance of the area. I appreciate that the works are required to bring the dwelling up to an acceptable habitable standard, and that they would provide a young couple with a family home. However, these benefits do not outweigh the harm that I have identified and the conflict with the development plan.
16. I note the appellant's frustration that he was not offered any opportunity to amend the proposals before the decision to refuse planning permission was taken. However, the appeal that is before me falls to be considered based upon the drawings that were determined by the Council. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR