



Appeal Decision

Site visit made on 7 January 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/J1915/D/22/3310105

7 Thornbera Road, Bishops Stortford, Hertfordshire CM23 3NJ

- 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 Imtiaz Samsudin against East Herts District Council.
 - The application Ref 3/22/1413/HH, dated 4 July 2022, was refused by notice dated 26 August 2022.
 - The development proposed is a part single and part two storey side and rear extension with solar panels on the side roof elevation.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The applicant describes the proposed development as *'this application is seeking approval of a single storey rear extension, first floor rear extension and first floor side extension. At the point of submission the pre-application service was not available, therefore we would kindly ask that if any part of this application is likely to be contentious or considered grounds for refusal that the Planning Officer contacts the Agent to negotiate. The applicant has considered impacts on amenity and these are considered to be low when reviewing the sun path/orientation of the site and the adjoining owners. Following 2 previous refusals and the absence of a pre-application service, we have significantly reduced the size of the scheme and omitted the loft element with the view of producing a design that is more acceptable to the local authority. The scheme sees the first floor side extension to be set back to avoid a terracing affect - we note that similar applications have recently been approved with less than the 1m gap suggestion to the boundary as per policy HOU11 in the Local Plan 2019. The first floor extension is to create a 4th bedroom, making the property a suitable size for a growing family, looking to stay within the area and we would welcome any comments during the determination period to understand if this element of the extension is acceptable.'*

In addition, please see application below with a reference from the officers report which demonstrates a level of flexibility in the HOU11 policy:

3/22/0014/HH

'The proposed side extension would sit within the footprint of the existing garage to the side, which projects up towards the boundary. HOU11 part (b) typically requires a 1m gap to the boundary on side extensions at a first floor level in order to prevent terracing. That being said, the adjacent neighbour has built a

side extension of a very similar scale and form, meeting the boundary with no step-in. This establishes a precedent for a similar design. The front extension projects only at ground floor level and is again reminiscent of the neighbour's porches on both sides of the site. This front projection breaks up the pattern of development and helps to prevent the visual impact of 'terracing'. Ultimately considering the side and front extensions to be of an acceptable scale, form and design compared to the existing building and surrounding area character'.

3. The local planning authority (LPA) describes it as a '*part single and part two storey side and rear extension with solar panels on the side roof elevation*'. I have used the latter in the banner heading as it concisely describes the proposed development.

The Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the host dwelling and area.

Reasons

5. The appeal site lies within a residential area of mainly two-storey houses of various designs but with a generally common building line and where the dwellings have double pitched roofs and front and rear amenity spaces. There are gaps between the properties and even where these are sometimes occupied by single storey garages and structures, they contribute to the spacious quality of the area, providing views of the landscape beyond and of the sky. They add positively to the character and appearance of the area.
6. The appeal property is a detached, two-storey dwelling with a hipped roof, constructed in brick at ground floor level and with render at first floor level. There are gaps to either side of it.
7. The proposed development includes a two-storey and single storey rear extension and a two-storey side extension, the latter of which would face the adjoining property at No 9 Thornbera Road. The proposed two-storey side extension would occupy the side space up to the boundary of the dwelling. Policy HOU11(b) of the East Herts District Plan 2018 (DP) requires a minimum distance for two storey extensions in such circumstances of at least 1 metre in order to avoid a terracing effect. The proposed development does not meet this minimum requirement, but even if it did, it would contribute towards such a terracing effect.
8. The LPA considers that the proposed rear extension would be largely hidden from the public domain and when considered on its own, would not have a significant adverse effect upon the character and appearance of the area. It raises no objections to the proposed solar panels or to the proposed external materials for the extensions and I have no reason to disagree.
9. Several requests for authority to enter the site to assess the impact of the proposed rear extension were sought from the appellant but were not granted, amongst other things, on the basis that '*there is currently some works ongoing in the property boundary and therefore the inspector would only be able to view from the road and not enter the property*'. Therefore, on my site visit, I was unable to assess the impact of the proposed extension in term of its subservience to the host property. However, as I have concluded that the proposed side extension would adversely affect the character and appearance

of the area, it has not been essential for me to assess this impact of the proposed rear extension in determining the appeal.

10. Therefore, I conclude that the proposed development would not accord with DP policy HOU11(b) for the reasons stated above nor with policy HDP1 of the Bishops Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 2022 which requires good design, nor with paragraph 130 of the National Planning Policy Framework 2021 which requires the same.

Other Matters

11. The appellant has referred to a planning application on a separate site and where development was approved within 1 metre of the properties' common boundary¹. The LPA clarifies that this refers to approved development at No 1 Thornbera Road. However, I have few details relating to that decision and, in any event, I have considered the appeal proposal upon its individual planning merits. This matter does not outweigh my conclusion on the main issue.

Conclusion

12. For the above reasons, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR

¹ 3/21/2293/HH