
Appeal Decision

Site visit made on 31 January 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2023

Appeal Ref: APP/P1940/D/22/3311847

35 Gallows Hill, Abbots Langley, Hertfordshire WD4 8PG

- 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 K Chauhan against the decision of Three Rivers District Council.
 - The application Ref 22/1227/FUL, dated 28 June 2022, was refused by notice dated 6 September 2022.
 - The development proposed is ground floor and lower ground floor rear extension including alterations to ground levels, alterations to roof form of existing two storey rear extension from hipped roof to gabled roof, loft conversion including rear and side dormers and alterations to fenestration detail.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the host property and the area; and
 - (ii) the living conditions of the occupiers of the neighbouring property at No. 33 Gallows Hill with particular regard to outlook.

Reasons

Character and appearance

4. The appeal property at No. 35 Gallows Hill (No. 35) is a two storey extended semi-detached dwelling located in a mature well-established residential area. Gallows Hill is characterised by a mixture of properties of different styles and design set back from the road within long spacious landscaped plots that provides an open and verdant character in the area. No. 35 has a distinctive two storey gable with timber cladding projecting from the front of the property and a traditional hipped tiled roof. A number of the dwellings have extensions

and alterations, including roof dormers, that generally appear as clearly subordinate to the dwellings.

5. The proposal would entail the construction of a part ground floor, part lower ground floor extension and roof alterations. The proposed roof alterations would involve a hipped roof to gabled roof over the two storey rear extension and a loft conversion including flat roofed rear dormer and hipped crowned roofed side dormer. The dormer extensions would be set in from the eaves of the roof and stepped down below the ridge line of the host property. The rear dormer extension would wrap around the roof of the main house and two storey rear extension and would be built up to the shared party wall with the adjoining property.
6. The appeal property is on a relatively spacious plot and as such the extensions would not appear overlarge, relative to the overall plot size. The scale and form of the proposed side and rear dormer extensions would nevertheless still be a significant addition relative to the main property. As such, although set in and stepped down, the proposed side and rear dormer extensions would result in substantial bulk being added to the roof plane with only very narrow peripheral parts of the sloping roof being evident. The awkward design and appearance of the dormer extensions would be very much at odds with the more traditional hipped tiled roof over the main property and the more modest form and appearance of the host building.
7. These shortcomings would be exacerbated by the proposal's position, where the proposed side dormer extension would be visible from a number of public vantage points along Gallows Hill. The consequential harm would not in my view be sufficiently resolved by the limited effect of the rear dormer extension on the street scene. In any case, the rear dormer extension would be visible at the rear from the surrounding properties.
8. The proposed side and rear dormer extensions, by virtue of their scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property. As such, I consider that the proposed side and rear dormer extensions would result in incongruous and out-of-keeping additions that would cause unacceptable harm to the host property and the area.
9. I have considered the appellant's arguments that the design and layout of the proposed side and rear dormer extensions have been carefully considered in order to minimise any adverse impacts on the host property and the area. However, whilst the use of matching materials and fenestrations would assist in integrating the proposal with the host property and the area, these aspects do not overcome the adverse effects outlined above.
10. Consequently, I conclude that the proposed side and rear dormer extensions would have a harmful effect on the character and appearance of the host property and the area. It would be contrary to the overall design aims of Policies CP1 and CP12 of the Three Rivers District Council Core Strategy 2011 (CS), and Policy DM1 and Appendix 2 of the Three Rivers District Council Development Management Policies Local Development Document 2013 (DMP). These policies seek, amongst other things, to ensure that development proposals are of a high standard of design that have regard to the local context and conserve and enhance the particular character and quality of an area.

Living conditions of the occupiers of the neighbouring property

11. The proposed part ground floor, part lower ground floor rear extension would be located adjacent to the two storey semi-detached property at No. 33 Gallows Hill (No. 33), to the south of the site. The adjoining property at No. 33 has a single storey extension leading out to a raised patio area and enclosed sloping garden area at the rear.
12. The proposed part ground floor, part lower ground floor extension would project out about 7.0m from the rear elevation and would be stepped down due to the natural sloping topography of the site and the immediate surroundings. It would extend across the full width of the dwelling with a mono-pitched roof with a dormer window and roof lights.
13. The proposed rear extension would project along the common shared boundary with No. 33 and would be separated from the rooms and garden at the rear of the adjacent property by a close boarded fence and vegetation running between the properties. The appellant indicates that a 2m high bamboo fence, that previously existed alongside the raised patio areas between Nos. 33 and 35, would be reinstated.
14. Whilst I accept that there would be some impact from the development, given the overall scale, design and layout of the proposed rear extension, stepped down, together with the boundary treatment, site levels and the separation distance between the properties, I consider that the proposed rear extension would not significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 33. The outlook at the rear of No. 33 is already toward the boundary fence and vegetation along the common shared boundary and the appeal site is separated by the existing garden area at the rear of No. 33.
15. Consequently, I conclude that the proposed rear extension would not result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 33 Gallows Hill with particular regard to outlook. It would be consistent with overall amenity aims of Policies CP1 and CP12 of the CS and Policy DM1 and Appendix 2 of the DMP. These policies seek, amongst other things, to ensure all proposals for new development will be of the highest quality design that protect the residential amenities of the neighbouring and surrounding properties.

Other Matters

16. I have noted the other developments in the area drawn to my attention by the appellant. However, the various roof dormer extensions and alterations on the properties within the surrounding area have different development characteristics to the appeal scheme. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases.
17. I have considered the appellant's comments regarding the consultation with the adjoining neighbours and the lack of formal objections from the local neighbours to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the host property and the area and is not a determinative factor on its own.

18. I note the appellant's willingness to accept a split decision on the proposal but have considered the proposed development as a whole and on the same basis that the Council determined the original planning application in this case.
19. The appellant considers the proposal would constitute a sustainable form of development in line with the requirements of the National Planning Policy Framework. I have considered the various benefits put forward by the appellant that the proposal would bring, including the scheme's high quality design and meeting the needs of the appellant's family. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR