



Appeal Decision

Site visit made on 30 January 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 23 FEBRUARY 2023

Appeal Ref: APP/X1925/D/22/3304152

4 Tall Trees, St. Ippolyts SG4 7SW

- 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 Mrs Sarah Flain against the decision of North Hertfordshire District Council.
 - The application Ref 22/00812/FPH, dated 21 March 2022, was refused by notice dated 10 May 2022.
 - The development proposed is first floor front extension over existing ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The decision notice refers to policies set out in the emerging plan. Since the decision was issued by the Council, the North Hertfordshire Local Plan 2011-2031 (LP) has been adopted and therefore the North Hertfordshire District Local Plan No 2 with Alterations April 1996 (saved policies under the Planning & Compulsory Purchase Act 2004 Written Statement September 2007) no longer form part of the development plan. I have therefore not had regard to policies 28 and 57 of the superseded plan in reaching my decision and have taken account of the policies set out in the LP adopted on 8 November 2022.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of 6 Tall Trees with regard to outlook; and
 - the character and appearance of the area.

Reasons

Living conditions

4. The proposed first floor extension would be situated so that it would not have a significant effect on the outlooks from the rear windows of No 6. However, the addition of the first floor, due to its height, depth and siting so close to the boundary would add to what is already a significant amount of built form, viewed from the rear garden area of No 6. The cumulative effect would result in a dominant and oppressive feature that would have an overbearing effect upon the outlook from the rear garden area of No 6.

5. I therefore find that the proposal would harm the living conditions of the occupiers of No 6 with regard to outlook. The proposal is therefore contrary to policies SP1, SP9, D1 and D3 of the LP, which seek amongst other things, to create high quality developments that respond positively to local context and do not cause unacceptable harm to living conditions. The proposal would also be contrary to the relevant paragraph of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to ensure that developments create places with a high standard of amenity for existing and future users.

Character and appearance

6. The general form, design and proportions of the proposed extension would be in keeping with the character and appearance of the existing dwelling. However, the proposal includes the provision of an apex style window in the front elevation which is not in keeping with the design of the existing windows.
7. I note the appellant has confirmed that the design of this window did not form a reason for refusal in the previously refused scheme and that the Council have only raised it in the reason for refusal for the scheme subject to this appeal. The appellant has confirmed they did not have the opportunity to amend this element of the scheme due to this. However, as it is included as part of the reason for refusal, I must consider it as part of this appeal.
8. The proposed apex window in the front elevation would be at odds with the character and appearance of the existing windows situated in the appeal dwelling and it would be prominent given its position in the front elevation, sited further forward than the existing dwelling at first floor level. In addition, the apex window feature would be out of keeping with the character and appearance of other fenestration detailing in the surrounding dwellings along Tall Trees, which all have rectangular windows of relatively regular proportions.
9. I therefore find that the proposed apex window would represent a dominant feature in the street scene which would not be in keeping with the surrounding area. The proposal would therefore harm the character and appearance of the area and is contrary to policies SP1, SP9 and D1 of the LP, which seek amongst other things, to create high quality developments that respond positively to local context. The proposal would also be contrary to the relevant paragraph of the Framework which seeks, amongst other things, to ensure that developments are sympathetic to local character.

Other Matters

10. I note that this scheme was an amended resubmission of a previously refused scheme and that the appellant sought to resolve the issues raised in the previous reason for refusal. Be that as it may, I must deal with the proposal before me on its own merits.
11. Due to the orientation of the proposed extension in relation to No 6, there would not be a detrimental impact on the levels of either sunlight or daylight reaching the garden area of No 6, as a result of the proposal. However, the lack of harm in this regard does not weigh in favour of the proposal.

Conclusion

12. The proposal is contrary to the development plan as a whole and there are no other considerations, including the Framework, which outweigh the harm. The appeal is therefore dismissed.

G Dring

INSPECTOR