



Appeal Decision

Site visit made on 20 March 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/N1920/D/22/3313332

19 Shelley Close, Borehamwood WD6 2AU

- 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 Fabian Madden against the decision of Hertsmere Borough Council.
 - The application Ref 22/1594/HSE, dated 17 September 2022, was refused by notice dated 24 November 2022.
 - The development proposed is described as the conversion of the loft to a habitable room to include a rear dormer and three front roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the loft to a habitable room including a rear dormer and three front roof lights at 19 Shelley Close, Borehamwood WD6 2AU in accordance with the terms of the application, Ref 22/1594/HSE, dated 17 September 2022, and plan numbers D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11 and D12.

Procedural Matter

2. The development the subject of this appeal is already in place. I have therefore dealt with the appeal on its planning merits, and on the basis of the retention of the existing development.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and the area.

Reasons

4. The host forms part of a short terrace of two storey dwellings on Shelley Close, with another terrace adjacent. Both terraces are in a similar style, are finished with buff coloured brickwork under a dark tiled roof, and have simple and cohesive front elevations.
5. To the rear, I observed greater variation as a result of alterations and extensions. Some of the dwellings have single storey rear projections, whilst No 11 and, adjacent to the host, No 17, both have large rectilinear dormers. There is another fairly large rear dormer, which is also visible from the host's rear garden, on the semi-detached red brick property at 3 Shelley Close.
6. The Council states that the dormers at Nos 3 and 17 do not appear to have been constructed in accordance with their respective planning permissions.

However, I have no evidence that the Council is seeking their alteration or removal, and they do therefore appear to form part of the area's established character.

7. The dormer the subject of this appeal covers over 60% of the host's rear roof, and is set in only about 0.1 metre from the property's side boundaries and a similar distance below its ridge. It thus covers more of the roof, and is closer to the roof edges, than advised at Part E Section 6 of the Hertsmere Planning and Design Guide Supplementary Planning Document 2006 ('SPD').
8. However, according to the Council it is set up from the eaves above the distance advised in the SPD. Additionally, I observed that its style and its proportions are virtually identical to the dormer at No 17 and broadly similar to others nearby, including No 11. Moreover, public views of it are limited to oblique glimpses, often from some distance away, across other plots.
9. Given that context, and as it is finished with dark hanging tiles which match the colour of the roof tiles on the terrace, it does not appear out of place. As the scheme has not harmed the integrity of the building, or the character of the streetscene, and having judged it on its merits having regard to the particular circumstances and character here, it does not conflict with the broad thrust of the SPD, including its Section 6e.
10. Amongst other things, and in general terms, Policy CS22 of the Hertsmere Core Strategy 2013, and Policy SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan 2016, require high quality design in order to create attractive places, and development which complements local character and visual amenity with regard to matters such as scale, mass, bulk, height and urban form.
11. As the scheme has not harmed the character and appearance of the host property or the area, it does not conflict with those policies, nor with the similar approach in the National Planning Policy Framework, including its stance that poor design which fails to take available opportunities to improve the character and quality of an area should be refused.
12. In the event that the appeal is allowed, the Council has suggested a single condition requiring that the development be carried out in accordance with the approved plans. However, as the development is already in place, for the sake of clarity, I have instead referenced those plans in my formal decision.
13. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR