The Planning Inspectorate

Appeal Decision

Site visit made on 28 April 2023

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

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/J1915/D/23/3316989
Chase House, Perry Green, Hertfordshire, SG10 6ED

- 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 David Hornsby against the decision of East Hertfordshire District Council.
- The application Ref 3/22/2197/HH, dated 17 October 2022 was refused by notice dated 30 January 2023.
- The development proposed is a proposed side extension to existing annex/garage block.

Decision

1. The appeal is dismissed.

The Main Issue

2. The main issue is the effect of the development upon the character and appearance of the site and area and whether the proposal accords with development plan policies which seek to control proposed outbuildings including extensions to outbuildings.

Reasons

3. The existing structure on the site includes a garage, a plant room and a WC/ shower room on the ground floor and the first floor provides a bedsit area.

4. The proposed extension to the garage would add about 8 metres to the width of the existing structure and with a similar height and depth to the existing garage. A front extension/porch would have a flat roof.

5. The two-storey side extension would be sited on the south-west elevation (side) of the existing structure. The additions would also include a Juliet balcony on the south-west elevation and three flat roofed dormers on the south- east elevation (front elevation). As a result of the proposed two-storey extension, the resulting building would include a single garage, a plant room, a lounge, a kitchen, a dining room/ sitting room, one study/bedroom, an en-suite and a WC on the ground floor, and three bedrooms on the first floor.

6. The local planning authority (LPA) raises concerns relating to the resultant building having the facilities and appearance of a separate dwellinghouse. The evidence before me indicates that the proposed building would be occupied by

the appellants (with occasional visits by friends and other family members) and that services, utilities, garden areas and parking facilities would be used on a shared basis and that some shared meals would take place within the main house. While I accept that the appeal building would have all the facilities needed for independent living, I am nonetheless satisfied that there would be a functional relationship with the main property on the site.

7. The appellant has confirmed that he would be content for a condition to be imposed upon the grant of planning permission to the effect that the property were used solely as an 'annex' and used on an incidental basis in association with the use of the existing main house. Subject to the imposition of a planning condition, I am satisfied that the LPA could control the use of the appeal building in respect of its possible use as a separate dwellinghouse. In this regard, I do not find that the proposal would conflict with the requirements of policy HOU13(a) of the East Herts District Plan 2018 (DP) which states that residential annexes will be permitted where *'the accommodation forms an extension to the main dwelling and is capable of being used as an integral part of the dwelling or forms a separate outbuilding which is close to and well related to and have a clear functional link to the main dwelling'.*

8. Notwithstanding the above, it is noteworthy that it is proposed to include three bedrooms plus a bedroom/study in the resulting annex. The appellant states that they currently use one bedroom in the main house. While I acknowledge that an additional bedroom (perhaps even two) may be required to meet the needs of visiting family members and/or a growing family, I am not persuaded that there is reasonable justification for the provision of three bedrooms plus a study/bedroom within the proposed annex. In this respect, I find conflict with policy HOU 13(b) of the DP which states that the scale of a proposed annex should be *'the minimum level of accommodation required to support the needs of the occupant'.*

9. Policy GBR 2 (d) of the DP permits *'the replacement, extension or alteration of a building, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas*. Furthermore, policy HOU11(a) permits outbuildings or extensions to outbuildings provided that they would be *'of a size, scale, mass, form, siting, design and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area, and extensions should generally appear as a subservient addition to the dwelling'.*

10. In considering the above policy requirements, I find that the extension would result in a building of substantial size relative to the existing dwellinghouse. Owing to its bulk, size and appearance it would depart from the existing and distinctive site conditions where the existing outbuilding appears much more subservient in scale to the main dwellinghouse. In addition, the extension would not be proportionate in size to the existing outbuilding.

11. Owing to the design of the resulting building, I agree with the LPA that it would have the appearance of being a separate and substantial dwellinghouse. While Chase House is set within a large plot and so could accommodate further development, owing to the size and appearance of the proposed extension, I find that it would cause harm to the existing character of the appeal site which is one which includes the main house set within spacious grounds and with an

existing outbuilding which has an obviously more subservient, less imposing bulk and scale. In this regard, I find that the proposal would not constitute good design and that it would cause harm to the setting, character and appearance of the appeal site.

12. I acknowledge that the appeal site is screened from public view by existing vegetation and that the continued occupation of the site by the appellant would enable longer term care by family members. However, these are not matters which in themselves overcome the identified conflict that I have found with development plan policies.

13. I conclude that the proposal would not constitute good design and would harm the character, appearance and setting of the appeal site. In this respect, there would be conflict with the design, character and appearance requirements of policies GBR2, HOU11 and HOU13 of the DP and chapter 12 of the National Planning Policy Framework 2021, all of which stress the need for good design appropriate to the character and appearance of the site and its setting.

Conclusion

14. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR