



Appeal Decision

Site visit made on 21 April 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023.

Appeal Ref: APP/J1915/D/22/3313508

6 Mercers Avenue, Bishops Stortford CM23 4AG

- 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 and Mrs Atkinson against the decision of East Herts Council.
- The application Ref 3/22/0977/HH, dated 9 May 2022, was refused by notice dated 14 October 2022.
- The development proposed is described as a two storey side extension and insertion of 2 roof lights to side elevation.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the Council's Decision Notice as this more accurately describes the elements requiring planning consent. I note that this description is also noted on the appellant's appeal form.
3. During the course of the appeal, the appellant in their Statement of Case (SoC) has submitted an alternative option for the refused scheme and has sought that I consider this alternative option as part of the appeal. It is unclear which option the appellant seeks that I am to make my decision upon, however the main differences from the refused application to the alternative option are the reduction in the depth of the side extension. In general, the appeal process is not the appropriate place to evolve the scheme; and the scheme that is considered at appeal ought to be the same one that was considered by the Council. There is no evidence that the alternative option formed part of the scheme that the Council made its decision on, or that the alternative option was subject to any form of consultation. In accordance with the 'Wheatcroft Principles',¹ it would not be appropriate to consider this alternative option within my decision as the acceptance of such would deprive those who should have been consulted on the changed development of the opportunity of such consultation. As such, I will base my decision solely upon the plans that were assessed by the Council during the original planning determination.

Main Issue

4. The main issue is the effect of the proposed development upon the existing building and the character and appearance of the locality.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

5. The appeal site is located on the corner of Mercers Avenue, which is one of the main access roads into this residential estate and which forms a number of surrounding cul-de-sacs. The local area forms a number of streets that contains formally laid out speculative housing which appears to date from the late-twentieth/early twenty-first century. The local area contains two storey detached dwellings which have similar proportions and placements in relation to the street. There is an emphasis on vegetation and spaciousness with visual gaps and spaces in between and around dwellings where glimpses to the tops of trees in rear gardens and well vegetated front gardens can be experienced. Together with the large proportion of boundary hedging and street trees, these elements presents a leafy and spacious feeling and is a positive characteristic that contributes to the local distinctive character and appearance of the area.
6. On my site visit I noticed similar design and size characteristics of the dwellings, with some of the main characteristics of the dwellings that contribute to the qualities of local character and local distinctiveness included hipped and gabled roof forms, tile rooves, with building materials comprising of brick and render, hanging tiles and timber windows.
7. The appeal site appears to be one of the characteristic detached dwellings and given its position on a corner plot, has more facades of the dwelling exposed to the public realm. The building fronts onto a small park opposite, is two storeys tall with a full hipped roof to one end and a half hipped roof to the opposite side. The dwelling has brick to the ground floor and render to the first, with a protruding gable from the front façade that is clad in hanging tiles. The appeal site due to its layout and positioning is therefore quite prominent in the street and displays a number of positive qualities which are experienced within the street scene, such as containing many of the important design elements described and original roof forms, design elements and proportions of the dwelling, a spacious appearance with visual gaps and spaces to the corner of the property with the boundaries aligned with tall boundary hedging. These positive elements reinforce the local character, appearance and distinctiveness of the locality.
8. In undertaking extensions and alterations to existing buildings, the East Herts District Plan (DP) saved Policy DES3 seeks that development demonstrate how it will protect, retain and enhance existing landscape features which are of amenity and/or biodiversity value. DP saved Policy DES4 outlines a number of design principles to adhere to, such as the development responding to the character of the site and the surrounding area, and a consideration of elements such as materials, siting, layout, and design features, amongst others. DP saved Policy HOU11 is specific to alterations and extensions and seeks that development be appropriate in terms of size, massing, scale, and appear as a subservient addition. Additionally, the appeal site is also within the designated Bishops Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley Area (NP), where saved Policy HDP2 of the NP seeks that development is high quality and sits well within its setting, with particular attention to buildings, streets and spaces relate well to their location and surroundings, particularly in prominent areas.
9. The extension would elongate the ridge of the main roof with a half hipped roof so that the visual massing and appearance is much more prominent as the

extension reduces the spaces in and around the dwelling. Combined with the depth of the rear extension and the addition of a forward extension, cumulatively, the proposal could not be seen as a subservient addition to the existing dwelling. The proposed form, design and appearance of the resultant building would have a disproportionate appearance unlike anything in the immediate context. Elements such as roof form, proportion, spaces, and subservience are some of the considerations mentioned in DP Saved Policies DES4 and HOU11 as essential for making a development congruent with its context and surroundings, which is not the case in this proposed development. I can also appreciate comments that DP Saved Policy HOU11 seeks that as a minimum, setbacks from boundaries of extensions should be at least 1 metre and the proposal is 1.2 metres, however the setback is not an arbitrary measurement, but rather influenced by an assessment of the character and appearance of the locality. In this particular case and from my observations on my site visit, the character of setbacks to the road edge in this particular locality are much greater than the minimum 1 metre suggested as a starting point by this policy.

10. Whilst I agree with the appellant that the dwelling would maintain a sufficient rear garden space and some elements of the design such as the addition of timber windows and similar materials to the existing will assist in improving the appearance of the dwelling; this improvement is offset by the disproportionate massing and visual bulk, and the erosion of spaces in and around the dwelling. Whilst I appreciate that there is tall boundary hedging which gives some screening, planning measures are unable to constrain the height of the hedge and does not give a satisfactory mitigation measure for the increased visual bulk and loss of spaces in and around the dwelling. As such, I disagree that the proposal when taken as a whole would enhance the appearance of the building, and its relationship with buildings in the surrounding locality.
11. In conclusion of this matter, the proposed extensions when combined would result in the loss of positive characteristics and would be clearly disproportionate and the additional visual bulk and massing would be unlike other extensions constructed within the immediate vicinity. Consequently, the proposal would be harmful to the character and appearance of the existing building, and the local distinctiveness of the locality on this prominent corner location and be contrary to DP Saved Policies DES3, DES4 and HOU11; and also Policy HDP2 of the NP, as described previously.

Conclusion

12. For the reasons given above, I conclude that the appeal is dismissed.

J Somers

INSPECTOR