

Appeal Decision

Site visit made on 15 May 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref. APP/J1915/D/23/3317475

3 Margrave Gardens, Bishop's Stortford CM23 3WA

- 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 Steven Dargue against the decision of East Hertfordshire District Council.
 - The application ref. 3/22/2352/HH, dated 7 November 2022, was refused by notice dated 28 December 2022.
 - The development proposed is a 2-storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In the heading above, I have taken the appellant's name from the application form. It was clarified at the site visit that the spelling of his surname on the appeal form is incorrect.

Main issue

3. Arising from the Council's reason for refusal, the main issue is the effect of the proposed 2-storey rear extension upon the character and appearance of the dwelling and its surroundings.

Reasons

4. The appeal concerns a 2-storey house at the end of a short terrace along one side of Margrave Gardens, a distinctive U-shaped residential cul-de-sac. This terrace (nos 1, 2 and 3) is separated from a very similar terrace (nos 6, 7 and 8) on the other side by a pair of semi-detached bungalows (nos 4 and 5) and a shared parking court. Whilst Margrave Gardens does not possess any outstanding examples of urban architecture, it is nonetheless a pleasant residential area. There are 2 other short U-shaped cul-de-sacs (Osbourne Gardens and Sandringham Gardens) off Piggotts Way a short distance away.
 5. The appeal property, being sited in a corner, benefits from a rear and side garden just like the other corner house (no. 6). A conservatory has been added to the northern side elevation. There is a shed in one corner of the rear garden. A garden room was being erected in the other corner on the day of my visit.
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6. Whilst the proposed 2-storey rear extension would not materially affect Margrave Gardens as viewed from the front, it would be clearly visible in views at the rear from some of the nearby residential properties on Badgers and from the rear of 4, 5 and 6 Margrave Gardens. Although it would be no deeper than about 3 m, it would reach across virtually the full width of the original rear elevation. Very little of the original rear wall face would remain visible. Adding substantial bulk and mass to the rear elevation of the host property in this way would over-dominate the building's original modest scale and character.
7. The extension would have a lower roof line than the host building but this would be achieved by topping the extension with a double hipped roof separated by a valley gutter. Such a design would neither properly harmonize with the simple hipped roof of the existing property nor successfully disguise the bulk of the extension. Even though matching materials would be used, the extension would appear as an unsympathetic and insufficiently subservient addition to the existing dwelling and would detract from its immediate surroundings. The absence of other 2-storey additions to the Margrave Gardens development would tend to exaggerate the adverse visual impacts of the proposed extension on the host building and the locality.
8. The appellant points to 2-storey rear extensions at 4 neighbouring dwellings on Badgers. The planning history provided by the Council suggests that in 3 of those cases the relevant planning permissions pre-dated the current development plan. In the other case, no planning history appears to exist. In any event, these properties relate to a different street and local context and each application should be considered on its own individual merits. There is no compelling local precedent at this time for the development proposed.
9. I find on the main issue that the proposed 2-storey rear extension would be harmful to the character and appearance of the dwelling and its surroundings. As the development would have a size, scale, mass, form and design that would be disrespectful of and inappropriate to the character, appearance and setting of the existing dwelling and the surroundings, fail to appear as a subservient addition to the dwelling and not be of a high standard of design and layout that reflects and promotes local distinctiveness, there would be conflict with the aims of Policies DES4 and HOU11 of the East Herts District Plan 2018 (DP) and Policy HDP2 of Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley (1st Revision) 2021-2033. There would also be a failure to meet the aspirations of the National Planning Policy Framework (the Framework) insofar as they relate to achieving well-designed places.

Other matter

10. Representations were received from the occupiers of 4 dwellings on Badgers to the rear of the appeal site. The chief concern raised relates to the potential for overlooking and loss of privacy. The objectors are adamant that the original planning permissions for Margrave Gardens contained conditions restricting first floor windows in the rear-facing walls of the properties. The Council considers otherwise. I cannot resolve that dispute without studying the relevant planning permissions for myself. They are not before me. Still, whatever the situation in that regard, the Council is incorrect when it says that there are already first floor windows in the rear elevation. I find it significant

that the appeal property and its counterpart at 6 Margrave Gardens do not have any such windows.

11. From measurements taken on my site inspection, the rear-facing wall of the proposed extension, which would contain 2 first floor bedroom windows, would be only about 8.08 m away from the common boundary with 23 and 24 Badgers. In my opinion, this would lead to an increased threat to the privacy of the occupants of those neighbouring properties when in their respective gardens and rear-facing habitable rooms, making them less enjoyable places in which to be. There is some vegetation on the common boundaries but it is not significant or dense enough to overcome these concerns.
12. The proposed development would have significant detrimental impacts upon the amenity of the neighbours at 23 and 24 Badgers, taking into account the potential for overlooking and loss of privacy. As such, there would be further conflict with the aims of DP Policy DES4 in this regard. The Framework also seeks to ensure developments create places which promote health and well-being with a high standard of amenity for existing and future users.

Concluding comments

13. My finding on the main issue is decisive to the outcome of this appeal. I found further harm with regard to the relationship of the proposed extension to the properties on Badgers. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations, including the improved internal space for the family home that the scheme would clearly provide.
14. For the reasons given above and taking into account all other matters raised, including the "*No Comment*" response of the Bishop's Stortford Town Council's Planning and Development Committee, I conclude that this appeal should fail.

Andrew Dale

INSPECTOR