

Appeal Decision

Site visit made on 30 May 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/N1920/D/23/3319180

11 Shelley Close, Borehamwood, Hertfordshire, 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 David Shoebottom against the decision of Hertsmer Borough Council.
 - The application Ref 22/1716/HSE, dated 7 October 2022, was refused by notice dated 19 January 2023.
 - The development proposed is retention of single storey rear extension and conversion of loft to habitable room to include rear dormer with Juliet balcony and 3 front lights.
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Decision

1. The appeal is allowed in part and planning permission is granted for retention of single storey rear extension and 3 front lights at 11 Shelley Close, Borehamwood, Hertfordshire, WD6 2AU in accordance with the terms of the application, Ref 22/1716/HSE, dated 7 October 2022, subject to the condition below:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to retention of single storey rear extension and 3 front lights: Existing Elevations Revision V3; and Existing Plans Revision V3.

Procedural Matters

2. For clarity, permission is only granted for that part of the proposed development referred to under the decision above. The appeal is dismissed in so far as it relates to retention of conversion of loft to habitable room to include rear dormer with Juliet balcony.
 3. The development the subject of this appeal has already taken place.
 4. The description of development is taken from the detailed description set out in the Council's decision notice and the appeal form. The development is described on the application form as a "loft conversion and rear extension."
 5. The Council considers all elements of the proposed development except the retention of conversion of loft to habitable room to include rear dormer with Juliet balcony to be acceptable and consequently, this decision focuses upon the rear dormer. As the Council considers the other elements of the proposal to be acceptable, they are granted planning permission, as set out above.
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Main Issue

6. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

7. The appeal property is a modern two-storey mid-terrace brick-built dwelling.
8. It is located within a modern housing estate in a residential area, characterised in this location by the presence of two storey terraced and semi-detached dwellings and in the wider area, the presence of taller blocks of flats and rows of three storey dwellings.
9. Like other dwellings in the terrace, the appeal property is set back from the road behind a short front garden and parking area and semi-detached bungalows, set back from the road behind a wide pavement and front parking areas and has a small garden to the rear.
10. During my site visit, I observed that to the rear, the appeal property and other dwellings in the terrace face towards the rear of terraced dwellings along Coleridge Way and that there are two pairs of semi-detached dwellings and their gardens situated in between Shelley Close and Coleridge Way. As a consequence of this arrangement, there is significant overlooking across this rear garden area and the dormer the focus of this appeal is widely visible in its surroundings.
11. The dormer itself, whilst set down slightly from the main ridge, extends across much of the width of the appeal property and this, along with its height, depth and flat roof, results in a development that appears boxy and bulky. The harm arising from this is exacerbated in part by the overall dimensions of the dormer, such that it takes up the vast majority of and unduly dominates, the rear facing roof slope.
12. The harm arising is also exacerbated by the presence of a Juliet balcony, which, due to the dominant position and appearance of the dormer, draws significant attention to itself as an incongruous feature.
13. Whilst most roof slopes in this location tend to be free of any dormers, I observed during my site visit that there are a number of similar, generally smaller, rear dormers present. However, none have an unduly imposing Juliet balcony drawing attention to itself and looking down upon rear gardens from an imposing height.
14. Further to the above, I find that the high and dominant position of the Juliet balcony in particular results in the dormer appearing unduly prominent in its surroundings and draws the eye to its incongruous appearance.
15. Taking all of the above into account, I find that the retained rear dormer harms the character and appearance of the area, contrary to the National Planning Policy Framework; to Core Strategy¹ policy CS22; to SADMP² Policy SADM30 and to the Council's Planning and Design Guide Supplementary Planning

¹ Hertsmere Local Plan Development Plan Document Core Strategy (2013).

² Hertsmere Local Plan Site Allocations and Development Management Policies Plan (2016).

Document Part E: Guidelines for Residential Extensions and Alterations (2006), which together amongst other things, protect local character.

Conditions

16. I have considered the condition suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans, insofar as they relate to the development hereby permitted, is necessary for the avoidance of doubt and in the interests of proper planning.

Conclusion

For the reasons given above, the appeal succeeds insofar as it relates to retention of single storey rear extension and 3 front lights but does not succeed in respect of the rear dormer.

N McGurk

INSPECTOR