
Appeal Decision

Site visit made on 5 September 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/N1920/D/23/3325442

50 Aycliffe Road, Borehamwood, Hertfordshire WD6 4JW

- 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 Shabba Uddin against the decision of Hertsmere Borough Council.
 - The application Ref 23/0648/HSE, dated 4 May 2023, was refused by notice dated 19 June 2023.
 - The development proposed is to erect a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 48 Aycliffe Road with regard to outlook, visual impact and light.

Reasons

Character and appearance

3. The appeal property is a mainly 2-storey end terrace house that addresses Aycliffe Road within a predominantly residential area. Like some properties in the local area, No 50 has been externally altered and extended. In particular, the main roof has been converted from a hip to a gable end and a large flat roof dormer has been placed onto the extended rear roof slope. There is also an almost full width ground floor rear addition with a flat roof.
4. The proposal is a first-floor rear extension that would be set back from the sides and rear of the ground floor projection. The new addition would be modest in scale with an eaves level that would align with that of the host building. That the proposed external materials would match the existing dwelling would unify its general appearance with the remainder of the building.
5. However, the appeal scheme would add further to the scale and bulk of the built form at the rear of No 50. It would be seen along with the sizeable ground floor and dormer extensions, with the new roof projecting noticeably above the base of the existing dormer, creating an uneasy overlap between them. Furthermore, by exceeding more than one half of the width of the main

house at first floor level, the proposal would conflict with the advice within Part E of the Council's Planning and Design Guide (P&DG).

6. When viewed together, the proposed and existing rear extensions, due to their scale, mass and height would result in a cumbersome enlargement of the appeal dwelling. In the light of the cumulative impact on the host building, the proposal would form an unwieldy feature in the new rear façade. Although the new extension would not be visible from the road, it would be readily evident from the back gardens of the properties on either side of the site. From these vantage points, the proposal would draw the eye as an obtrusive and unwelcome addition to both the host building and the local area.
7. The appellant places some reliance on the Council's decisions to approve first floor rear extensions to other properties in the local area, with some details and photographs provided. However, in the absence of plans of the individual schemes and the property concerned, I am unable to conclude that the circumstances of any of these cases are the same or very similar to the proposal. Consequently, I attach no more than limited weight to these decisions for the appeal scheme. In any event, each development should be considered on its own merits, as I have done in this instance.
8. While there are examples of sizeable rear extensions to properties in the area surrounding the site, their presence does not necessarily signal that such schemes are therefore acceptable. From what I saw, existing rear extensions have blended into the visual character of the local area and respected the appearance and qualities of the host building with varying degrees of success. These cases serve to illustrate that changes to the upper part of a building can have a significant impact on the character and appearance of that building and the area to which it belongs. These examples do not persuade me that an unsympathetic form of development, as sought, is therefore justified.

Living conditions

9. The new extension would be set back from although close to the shared rear boundary between the site and 48 Aycliffe Road. Due to their staggered layout, the rear elevation of this adjacent residential property is set back from that of the appeal dwelling. As a result, the back garden nearest to the rear of No 48 would be further enclosed by the proposal, and the new extension would be evident from both here and the rear windows of the main house. From these vantage points, the new side wall would be seen along with the lengthy part 2-storey, part single storey flank wall of No 50. Due to their outward projection, height and position close to the shared boundary, the proposed and existing extensions would visually dominate the outlook from the rear of No 48 and their combined built presence would be unduly imposing on the occupiers of this adjacent property.
10. There would also be some additional loss of natural light to the rear of No 48 during a major part of the day because of the proposal. However, the shade cast by the appeal scheme would mostly affect a small part of the neighbouring back garden and would not be appreciable given the shadow of the existing appeal building and the boundary fence that separates Nos 48 and 50.
11. The Council also considers that the appellant has failed to demonstrate that the proposal would comply with the 45-degree code in relation to No 48, which is line drawn at this angle from a habitable room window that is likely to be

affected by development. However, the Council also appears to acknowledge that the existing appeal dwelling may do likewise. On that basis, it seems to me that a further breach of the 45-degree code due to the proposal should not necessarily be determinative given the importance of also taking into account local circumstances.

Conclusion on the main issues

12. On the main issues, I conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. It would also materially harm the living conditions of the occupiers of No 48. As such, the appeal scheme conflicts with Policies SP1 and CS22 of the Hertsmere Local Plan: Core Strategy, Policy SADM30 of the Site Allocations Development Management Policies Plan and the advice within the P&DG. These policies and guidance aim to ensure that development achieves high quality design and complements local character. It is also at odds with the National Planning Policy Framework, which states that development should be sympathetic to local character and add to the overall quality of an area.

Other matters

13. Once complete the proposal would provide an additional bedroom that would help meet the needs of a growing family. I share the Council's view that the living conditions of the occupiers of the property that is attached to No 50 would not be adversely affected. However, these considerations do not outweigh the significant harm that I have identified.
14. The Council appears to raise no objection to the new first floor side and rear windows to the main house. From the information before me, I have no reason to reach a different finding on these elements of the appeal scheme. However, from my inspection of the plans it is unclear whether these new windows are clearly severable from the proposed rear extension, which is objectionable. Therefore, I have not issued a split decision that grants planning permission solely for them.

Conclusion

15. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, which indicate that the decision should be taken other than in accordance with the development plan.
16. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR