



Appeal Decision

Site visit made on 9 October 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.10.2023

Appeal Ref: APP/N1920/D/23/3324949

87 Furzehill Road, Borehamwood, Hertfordshire, WD6 2DN

- 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 Alex Boca against the decision of Hertsmere Borough Council.
 - The application Ref 23/0317/HSE dated 23 February 2023, was refused by notice dated 20 April 2023.
 - The development proposed is part single, part two-storey side and rear extension, including conversion of garage to habitable space. Conversion of loft to habitable space with rear dormer. New brick wall and railings to front boundary.
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Decision

1. The appeal is allowed, and planning permission is granted for part single, part two-storey side and rear extension, including conversion of garage to habitable space. Conversion of loft to habitable space with rear dormer. New brick wall and railings to front boundary at 87 Furzehill Road, Borehamwood, Hertfordshire, WD6 2DN in accordance with the terms of the application ref: 23/0317/HSE dated 23 February 2023 subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P4-1 Rev P03 Location Plan, P2-5 Rev P08 Proposed Elevations, P1-6 Rev P08 Proposed Floor Plans and P1-8 Rev P07 Proposed block plan and second floor plan;
 - 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building or be as set out within the details outlined within the application form;
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Procedural Matters

2. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. The refusal reason generically references the Framework however, it is not considered that this impacts upon the determination of this appeal given the main changes to the Framework.
3. There are several elements to the appeal proposal as outlined within the development description at the start of this decision letter. The Council's

delegated report confirms that there are no concerns raised with regards to the front boundary treatment, conversion of garage to habitable space, the rear extension or the roof alterations. The refusal reason is specific to the proposed first floor side extension. I have no evidence before me to conclude differently on any other matters so, for the avoidance of doubt, this decision letter will focus upon the single reason for refusal in line with the main issue identified.

Main Issue

4. The main issue is the impact of the proposal upon character and appearance of the area as a result of loss of visual separation and terracing effect.

Reasons

5. The appeal site is located northeast of Furzehill Road and comprises a two storey, semi-detached, dwelling with an existing single storey side extension. At the time of my site visit I noted that the site was already undergoing redevelopment works with there being no windows in the property and solid boarding surrounding the site boundary. The area around the appeal site is characterised by semi-detached dwellings which are of comparable style, and it is notable that a large number of dwellings have been subject to varied extension works previously. Overall, I found that the separation distances and general gaps were varied within the street scene along Furzehill Road.
6. I note, from the submissions before me, that the site benefits from planning permission under reference 22/1758/HSE for a part single, part two storey side and rear extension, including conversion of garage to habitable space, conversion of loft to habitable space with rear dormer and a new brick wall and railings to front boundary (the existing permission). This existing permission carries the same development description as the proposal before me and, whilst at the point of determination it may not have been implemented, it would appear this permission has now been implemented due to the works being undertaken at the point of my site visit. I can see from the submitted plans, and the Council confirm, that the existing permission is similar to the current proposal. In the current proposal the width of the part two storey side and rear extension would extend along the flank boundary with no set-in compared to the existing permission which had a set in of 1 metre at first floor level. In addition, it is noted that the width of the dormer would be increased.
7. The proposed extension at first floor level, due to the existing site layout, would extend to the side boundary, however, I do not find that this would significantly reduce the visual separation with the neighbouring dwelling as a result of no set-in. The visual separation is ultimately maintained by physical separation of around 2m from the shared boundary between any neighbouring built form and over 4.5m between built form at two storeys. In addition, I note that the appeal property is set notably forward of the neighbouring property 89 Furzehill Road which, I find, further contributes to the fact that the proposal could not result in a terracing effect due to both the separation outlined above as well as the general location of the respective dwellings within their plots.
8. There is a clear spatial gap between the neighbouring properties which prevents a visual terracing effect. In this case the impacts of the proposal before me, and that of the existing permission which does have a set in, are broadly the same. I find that, based upon the site characteristics in this case, that this would be sufficient to maintain visual separation between the appeal

- property and the neighbouring dwelling. The proposal would not result in a terracing effect with the neighbouring dwelling resulting in a detrimental impact to the character and appearance of the surrounding area – it simply would not present as a row of terraced dwellings due to the visual gap maintained.
9. I do not find that the proposal would present as a cramped form of development. The footprint of the site, and built form at ground floor level, already occupies the full plot width. In addition, I find that the proposal would balance the semi-detached pair in terms of the form of the extension. In this case this would be a positive benefit in terms of design due to the semi-detached pair currently looking unbalanced as a result of the extension at neighbouring dwelling, 85 Furzehill Road. The neighbouring extension is similar to the proposal albeit I acknowledge that that extension maintains a separation from the side boundary due to occupying a slightly wider plot.
 10. This is also combined with a notable improvement to internal layout between the proposals, creating truly usable and accessible rooms compared to the existing permission, with particular regard to the study. Whilst this point alone would not be sufficient to support development which was unacceptable in other regards in this case, I find it is a positive design consideration alongside more closely mirroring the design of the other semi-detached dwelling.
 11. The Planning and Design Guide Supplementary Planning Document 2006 (SPD) Part E outlines guidance for residential extensions and alterations. It should be kept clearly in mind that the SPD is guidance and should not be applied as policy. It falls to apply the guidance, against the specific site characteristics, keeping in mind the overall objectives of the SPD. The proposal is consistent with the SPD insofar as it is set down from the roof ridge and maintains the appearance of the host dwelling. The extension is subservient to the host dwelling. A set-in of 1 metre is recommended as appropriate to maintain sky gaps, but based upon the information before me I do not find that the proposal would be inconsistent with the objective of this guidance (to maintain visual separation between dwellings).
 12. Considering the existing permission, as a fallback, I find that in this case, impacts of the already approved extensions would be broadly similar to that within the appeal proposal before me and given the site characteristics I have outlined I do not find that the addition of 1 metre, up to the boundary, at first floor level is sufficient to warrant refusal in this case. A visual gap is maintained.
 13. The proposal would be consistent with Hertsmere Local Plan Development Plan Document Core Strategy 2013 Policy CS22 which requires all development to be of high quality design and Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016 Policy SADM30 which requires that development must respect, enhance or improve the visual amenity of the area by virtue of its scale, mass, bulk, height, urban form, result in high quality design and recognise and complement the particular local character of the area in which it is located.

Conditions

14. The Council has suggested a number of conditions. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the

approved plans is required to control and define the development which is granted consent. A condition relating to materials is required to ensure the proposal matches the host building and that any deviations in materials from existing are approved by the Council to ensure an appropriate finish.

15. A condition preventing the erection of gates, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (GDPO), is suggested. The reasoning for this condition, is stated to be to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and in the interest of highway safety. I acknowledge that this condition was applied to the previous permission under reference 22/1758/HSE, however, I do not feel it is appropriate or required to apply it to the permission granted as a result of allowing this appeal.
16. As it stands, under the GDPO, the appellant could erect boundary treatment up to a maximum height of 1 metre facing the highway. The GDPO does not seek to control appearance and I find that it would be unreasonable to remove such permitted development rights relating to gates as a result of the permission granted based upon the reasoning given. If the appellant wished to erect gates, in connection with the new brick wall and railings, these would be subject to a separate planning application as anything over a metre would, in any case, not be permitted development so such proposals would be entirely within the control of the Council at the relevant point of application without this condition.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR