



Appeal Decision

Site visit made on 19 October 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Appeal Ref: APP/J1915/D/23/3327453

13 Ploughmans Close, Bishops Stortford, Hertfordshire CM23 4FS

- 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 Philip Ellis against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/0115/HH, dated 22 January 2023, was refused by notice dated 2 June 2023.
 - The development proposed is a first floor rear extension to the detached house to create a new bathroom and a new shower room over the existing living room and the existing kitchen.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the host property; and
 - The living conditions of adjacent occupiers.

Reasons

Character and appearance

3. The host is a detached property, which sits amongst dwellings in a variety of styles on this cul-de-sac. It has a fairly simple gabled form, with an evenly pitched main roof, but with a single storey extension with a cat-slide roof across the whole of its rear face. In common with most nearby properties, it has a short back garden.
4. The proposal would sit above the existing ground floor extension, and its shallow pitched roof would meet the host's ridgeline. Given its height, depth and width, although it would not increase the footprint of the building, it would significantly increase its scale and mass. For these reasons, it would appear out of proportion to the host, and the resultant dwelling would have a rather awkward, unevenly pitched and bulky form.
5. Additionally, given the limited plot size, and that the extension would project significantly further to the rear at first floor level compared to its neighbours at 12 Ploughmans Close ('No 12') and at 14 Ploughmans Close ('no 14'), the resultant dwelling would appear rather incongruous and domineering.

6. Amongst other things, Policy HOU11 of the East Herts District Plan 2018 ('EHDP') sets out that house extensions should be of a size, scale, mass and form appropriate to the character and appearance of the existing dwelling, and should generally appear subservient. Having regard to cumulative impacts, this scheme would conflict with that approach; and with the requirement for a high standard of design in EHDP Policy DES4 and in the National Planning Policy Framework. However, as the scheme would be faced in matching materials, and would be to the rear, where it would be visible from nearby properties but not in the streetscene, I attach moderate weight to the harm that I have found.

Living conditions

7. The conservatory at No 14 is set just in from the side boundary. It has a brick side wall, but a glazed roof. I have limited evidence to assess the impact of the scheme on the availability of natural light at No 14, and both proposed first floor side windows facing it would be obscurely glazed to avoid any significant loss of privacy. However, whilst the principal outlook from No 14, including its conservatory, is down that property's garden, given the height of the proposal's side wall, its rearward projection, and its proximity to the common boundary, it would have a rather overbearing impact on those occupiers.
8. A degree of overlooking is commonplace in residential areas, and the host already has first floor windows with a rear outlook. However, the two proposed first floor rear-facing bedroom windows would be at least 3.1 metres closer to the rear boundary than the existing windows. The Council calculates that this would bring them to within 15 metres of the rear face of 7 Wainwright Street ('No 7'). Intervening vegetation is limited, and this would therefore result in significant actual and perceived overlooking of No 7, including its garden.
9. The scheme would include a first floor side-facing bedroom window. However, the outlook from there would be principally towards No 12's flank wall, and it would not therefore cause those occupiers a harmful loss of privacy. Given the siting and orientation of 9 Wainwright Street relative to this site, I am satisfied that the scheme would not result in harmful overlooking of that property.
10. Nevertheless, for the above reasons, the scheme would harmfully impact the living conditions at No 14 and at No 7. Thus, it would conflict with those parts of EHDP Policy DES4 which require proposals to avoid significant detrimental impacts on neighbouring occupiers' amenities.

Planning Balance and Conclusions

11. I have found that the scheme would cause significant harm to adjacent occupiers' living conditions, and that it would cause moderate harm to the character and appearance of the host property.
12. I understand that the additional bedroom is needed to accommodate family members. However, that benefit to the current occupiers does not outweigh the lasting harm that the scheme would cause. The scheme would conflict with the development plan and, having regard to all other matters raised, including representations by interested parties, the appeal is therefore dismissed.

Chris Couper

INSPECTOR