The Planning Inspectorate

Appeal Decision

Site visit made on 25 November 2023

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/N1920/D/23/3331235
17 Warenford Way, Borehamwood WD6 5ER

- 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 Gentjan Hoxha against the decision of Hertsmere Borough Council.
- The application Ref 23/0873/HSE, dated 14 June 2023, was refused by notice dated 27 July 2023.
- The development proposed is described as 'retrospective planning permission for front and rear extensions, installation of dormer window to rear roof slope and three rooflights to front roof slope'.

Decision

1. The appeal is allowed and planning permission is granted for front and rear extensions, installation of dormer window to rear roof slope and three rooflights to front roof slope at 17 Warenford Way, Borehamwood WD6 5ER in accordance with the terms of the application, Ref 23/0873/HSE, dated 14 June 2023, subject to the following condition:

   1) Within 6 months of the date of this planning permission, the window on the western elevation of the rear ground floor extension shall be reglazed with obscured glass which is non-opening below 1.7m from ground level. It shall be retained as such thereafter.

Preliminary Matters

2. The application is retrospective as the development described above has been completed. Works which are similar to those now applied for have previously been granted planning permission or have been confirmed as permitted development.

3. The front extension and rooflights were built in accordance with the relevant approvals. The Council raised no objections to these elements in the appeal application and there are no reasons to disagree. I conclude therefore that they are acceptable.

Main Issues

4. The main issues in this appeal are the effect of the proposals on the living conditions of the occupiers of the neighbouring properties; and secondly, their effect on the character and appearance of the appeal property and the surrounding area.

Reasons

Living Conditions

5. To determine the effect of the single-storey rear extension on the living conditions of neighbouring occupiers, Part E of the Council's Planning and Design Guide (the Design Guide) requires a 45-degree line assessment. The evidence indicates that it is breached slightly on both sides. Moreover, at 6m deep, the extension exceeds the 3.35m permitted by the guidance. However, there is extant Prior Approval for a Larger Home Extension relating to a 6m deep single-storey rear extension. The overall design and size of that development is similar to the appeal single-storey extension. In the light of this fall-back position for the ground floor extension, the Council raises no objection. There are no reasons to disagree.

6. In respect of the first-floor extension, the nearest upper floor window of the adjacent No 19 Warenford Way (No 19) serves a bathroom. Therefore, I agree with the Council that the first-floor extension would not result in a harmful loss of outlook or light to No 19. No 15 Warenford Way (No 15), it is at a lower ground level than the appeal site. Due to this difference in levels and the depth and width of the proposed development, the Council's 45-degree line is breached.

7. However, a daylight and sunlight assessment (the assessment) has been carried out in accordance with the guidance set out in the BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice, Third Edition, 2022 (BR 209). The assessment concludes that the combined impact of the rear extensions on daylight and sunlight levels reaching the rear windows of No 15 is 'imperceptible' throughout the year, as is the impact on the sunlight levels on the neighbour's back garden.

8. The technical assessment provides a more accurate indication of the impact of the extensions than the test in Part E of the Design Guidance. This more convincing evidence demonstrates that there is no harm to the adjoining properties resulting from the works that have been carried out. The assessment's conclusions are supported by the consultation responses received from neighbouring occupiers.

9. I conclude therefore that the appeal development is not overbearing or intrusive and does not cause overshadowing. It does not harm the living conditions of the neighbouring occupiers. Notwithstanding the identified conflict with Part E of the Design Guide, for the foregoing reasons there is no conflict with its overarching aims, nor those of Policies SP1, SP2 and CS22 of Hertsmere's Core Strategy 2013, Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016 or the similar requirements of the National Planning Policy Framework (the Framework).

Character and appearance

10. The surrounding area comprises predominantly two-storey terraced houses of varying design. There are several loft conversions and rear extensions in the locality, including No 19 which has both. Nearby roof extensions at Nos 110, 112, 132 and 134 Gateshead Road extend the full width of the property. There are also some examples of mansard roofs. There is little overall uniformity of

design or layout in the area, some of which is undergoing redevelopment, including on nearby Windsor Close.

11. The upper parts of the built development can be seen from neighbouring back gardens and the private garage block at the rear of the terrace. There is a more distant view from Gateshead Road at the point where gaps between development allow clear views of the rear of the appeal property. However, the extensions are not prominent from this distance. Otherwise, there are no street scene or other public views of the development that has been carried out.

12. The dormer extends across the full width of the roof slope and is wider than the dormer window which was confirmed to be permitted development. Its design reflects that of the dormer at No 19, although it is integrated with the hipped roof of the first-floor extension. Planning permission (21/1356/HSE) was granted for a first-floor extension of a similar size to the one erected. It was to be slightly narrower, inset further from the boundary and with a pitched, gable roof.

13. There are no similarly designed combined extensions in the surrounding area. Nonetheless, within the varied design context and having regard to the previous planning permission and permitted development confirmation for similar schemes of broadly the same bulk and massing, the dormer and extension do not appear overly obtrusive and sufficiently respect the character of the surrounding area. Overall, these elements of the appeal proposal are acceptable, particularly given the limited public vantage points.

14. Although the various elements of the appeal proposal represent a significant amount of development, their appearance and massing are little different to those of the totality of development that has already been granted planning permission or confirmed to be permitted development. Accordingly, in the specific circumstances of this appeal, the extensions are acceptable. The development has introduced further design variety which does not appear out of keeping in its context.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal development complies with Policies CS22 of the Core Strategy and SADM30 of the Site Allocations and Development Management Policies Plan 2016, the broad aims of the SPD and the design aspirations set out in the Framework. Accordingly, the appeal is allowed.

Conditions

16. As the development has already been caried out, it is unnecessary to impose the standard conditions for householder development. The revised drawings show that the ground floor flank window should be re-glazed in obscured glass and non-opening below 1.7m from ground level. This change should be secured by condition within 6 months of this approval to protect the privacy of neighbouring occupiers.

Elaine Benson

INSPECTOR