

# Appeal Decision

Site visit made on 26 January 2024

**by K E Down MA(Oxon) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 February 2024**

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**Appeal Ref: APP/J1915/D/23/3329440**

**128 Ware Road, Hertford, SG13 7HR**

- 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 Dr Ashley Gray against the decision of East Hertfordshire District Council.
  - The application Ref 3/23/1180/HH, dated 3 July 2023, was refused by notice dated 4 September 2023.
  - The development proposed is a two storey side and rear extension to provide accommodation for elderly relatives, following demolition of existing garage and annexe building.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. There are two main issues. Firstly, the effect of the proposed extension on the character and appearance of the host dwelling and the street scene of Ware Road; and secondly, whether there is a clear functional link between the proposed extension and the host dwelling.

## Reasons

3. The appeal dwelling is a traditional, detached house on a wide plot set back from Ware Road in an elevated position and behind frontage vegetation. It is a well proportioned, hip roofed double fronted dwelling with a central, forward projecting section under a lower hipped roof. It has an attached single storey garage to the side with a single storey brick annexe behind. The street scene in the vicinity of the appeal dwelling is mainly residential in character with no regular scale or design of dwellings, particularly on the south side of the street where the appeal site is located. Most dwellings are detached and on generous plots and a number that I saw have been extended in the past.
  4. The garage and annexe at the appeal site and an existing chimney would be demolished to which no objection is raised. I agree that the removal of the garage and annexe which are of no particular architectural merit would be acceptable and although the chimney contributes to the traditional appearance of the dwelling its removal would not result in material harm.
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5. The proposed extension would fill much of the gap between the dwelling and the side boundary, increasing its width by about 50%. It would be two storey with a front facing gable and a roof height lower than that of the existing house. Although dwellings with front facing gables are seen elsewhere in the vicinity, the design, including the windows, would be at odds with that of the existing house. Moreover, although the roof would be set down, the eaves height would be similar to the host dwelling and its setback from the host dwelling would be limited. This, coupled with the prominent front gable and width of the extension would result in a dominant and incongruous addition that would materially detract from the symmetry design and proportions of the host dwelling.
6. The proposed rear elevation would also differ noticeably from the host dwelling but the asymmetric single storey projection would introduce interest and soften the effect of the two storey element. Moreover, the rear of the host dwelling has previously been extended at single story and the fenestration is mismatched. I therefore consider that the proposed extension would not materially detract from its appearance.
7. The appellant justifies the design as being modern and energy efficient. However, its boxy appearance would have little architectural merit and its size and unsympathetic design which would unbalance the host dwelling, particularly when seen from the front, would not be outweighed by a more energy efficient building, particularly since I have no evidence that a more sympathetic design could not incorporate a similar level of energy efficiency.
8. The appellant suggests that the position of the extension, set back from the street and screened by frontage vegetation, would limit its effect. However, it would be clearly visible through the open driveway and as a result would have a detrimental effect on the character and appearance of the street scene.
9. I note the appellant's reference to the need for adaptable, safe, accessible and inclusive buildings but these should be achievable without compromising character or appearance and therefore carry little weight in this case.
10. It is concluded on the first main issue that the proposed extension would, owing to its scale and design, have a materially detrimental effect on the character and appearance of the host dwelling and the street scene of Ware Road. In consequence, it would conflict with Policies DES4, HOU11 and HOU13 of the East Herts District Plan (DP), 2018, the Kingsmead Neighbourhood Plan (NP) and the National Planning Policy Framework (NPPF). Taken together and amongst other things, these expect extensions, including annexe extensions, to be of a high standard of design such that they are of a size, scale, mass, siting and design that does not dominate the existing dwelling and is appropriate to its character, appearance and setting and that of the surrounding area.
11. Turning to the second main issue, the Council suggests that the size of the extension, internal configuration, including separate entrance and the partial separation of the rear garden would imply that no clear functional link was demonstrated between the extension and the main dwelling.
12. However, the extension would be physically attached to the host dwelling, would be accessed via the same front drive, share the same parking area and the rear garden would remain substantially as one. There would be an intervening door between the extension and the host dwelling and although this

would be some distance from the kitchen, that is as a result of the layout of the host dwelling and cannot be used to imply a lack of functional link, particularly since the extension has no separate kitchen. The extension is applied for as an annexe and the householder application form was submitted. Both of these were accepted by the Council.

13. In terms of size, the evidence states that the extension would provide annexe accommodation for two elderly relatives. Whilst their needs are not made explicit, the provision of space for a lift, circulating space, an accessible en-suite and clear access to the bed in the main bedroom do not imply that the space is excessive but rather that it is to cater for disability and/or infirmity in a convenient and comfortable environment. Likewise, a second bedroom is reasonable in that a live-in carer or overnight presence may be required either now or in the future. The Council refers to the "Technical housing standards – nationally described space standard" to justify its position that the space would be excessive. However, these are minimum standards and may not provide suitable special needs housing.
14. Overall, I find that neither the scale, layout nor facilities of the proposed extension suggest that a clear functional link would not exist between it and the host dwelling. On the contrary, most factors point to a clear link between the two. I therefore consider that the extension could function as and therefore amount to a residential annexe. Proof of need is not a pre-requisite for an annexe. Moreover, it is open to the decision maker to impose a condition, ensuring that it remained as annexe accommodation in the future.
15. It is concluded on the second main issue that there would be a clear functional link between the extension and the host dwelling. The proposed extension would thus amount to annexe accommodation, as set out in the application. In consequence, it would comply with Policy HOU13 of the DP, insofar as it supports a residential annexe where it forms an extension to the main dwelling and is capable of being used as an integral part of the dwelling. Moreover, there is no evidence that the annexe would provide more than the minimum level of accommodation required to support the needs of the occupant(s).
16. The Council also suggests a conflict with the NP and the NPPF. However, the point of conflict is not clear and I find that no conflict is demonstrated.
17. A third party raised concerns regarding loss of outlook and privacy to No 124 and effect on trees and parking space. However, the proposed extension would be separated from this property by an access drive serving No 126 to the rear and proposed side facing windows would be secondary so could be required to be obscure glazed. Moreover, there would be no direct effect on trees and ample parking would remain for vehicles, despite the loss of the garage.
18. Notwithstanding my findings on the second main issue, these would not alter or outweigh my conclusions on the first main issue. Therefore, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*KE Down*  
INSPECTOR