



Appeal Decision

Site visit made on 1 March 2024

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5TH March 2024

Appeal Ref: APP/J1915/D/23/3335999

8 London Road, Hertford Heath, Hertfordshire SG13 7RH

- 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 Sean O'keefe against the decision of East Herts Council.
 - The application Ref 3/23/1558/HH, dated 10 August 2023 was refused by notice dated 6 October 2023.
 - The development proposed is the demolition of an existing outbuilding, the removal of conifer hedging and the construction of a single storey rear extension along the northern boundary.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework 2023 (the Framework) was amended on 19 December 2023. The amendments made did not have a material bearing upon the main issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

Main Issues

3. The main issues are the impact of the proposal upon (i) the character and appearance of the host property and that of the area and (ii) the living conditions of the occupiers of No. 6 London Road by reason of daylight and outlook.

Reasons

Character and appearance

4. The appeal property forms part of a terrace of properties in a mainly residential area which includes a mix of house types. Attached to it on one side is a property divided into apartments and with a car sales and repair garage beyond it, while on the other side is a dwelling. The mix of building styles, with a preponderance of two storey properties with double pitched roofs, adds distinctly and positively to the character and appearance of the area.

5. The host property has a rear amenity space where the boundary with No. 10 London Road extends outwards in a straight line from the house, but where the boundary with No. 6 London Road is at an angle, extending close to, and in front of, the rear elevation of the latter property. The rear amenity space of No. 6 London Road is therefore limited. There is a conifer hedge along this boundary with a height of some 3.2 metres. The host property includes a detached, single storey, outbuilding in its rear amenity space. Elbow Lane runs past the rear amenity spaces of the terrace.
6. The proposed development, which would include the demolition of the existing outbuilding and the removal of the conifer hedging, is for a single storey, double pitched annexe for an office, a double bedroom and a shower/wc, to be constructed along the skewed boundary with No. 6 London Road. It would be linked to the host property with a building of lesser height than the main annexe and would have a natural timber stained cladding, contrasting with the proposed black stained timber cladding for the main part of the annexe and where the latter part would have a zinc roof.
7. While the proposal would be relatively extensive in its linear form, by its limited height when compared to the host property and by its siting to the rear of the property, it would appear as a subservient addition to it.
8. It would not be visible from London Road itself, nor would it affect the front elevation of the property which adds distinctively to the character and appearance of the area. Few if any glimpses of it would be seen from Elbow Lane and while the loss of the conifer trees might be noticeable, I have no evidence before me to suggest that they are protected. Moreover, there is already an existing outbuilding in the rear amenity space. Overall, the proposed development would not cause harm to the character and appearance of the host property or that of the area.
9. Therefore, I conclude that the proposal would accord with policies HOU11, DES4 and VILL1 of the East Herts District Plan 2018 (DP) which require a high standard of design for all development, including extensions, appropriate to the character and appearance of the existing dwelling and its surrounding area.

Living conditions

10. The rear amenity space to No. 6 London Road is sited on the north side of the proposed annexe, while the rear elevation of the property itself is to the northwest of it.
11. The boundary is marked on the appellant's side by a line of conifer hedging with a height of approximately 3.2 metres. The proposed annexe at its highest point would be of a similar height.
12. On my site visit, I was able to note that there is a gap in the conifer hedge which allows limited additional light to a rear window in No. 6 London Road.
13. However, the proposed development would be single storey which would limit any material loss of daylighting. Even if there were any such loss, as the rear elevation is to the north-west of the proposed annexe, any such adverse impact would be likely to be limited to that part of the day towards the evening, rather than for the whole of the day and so would be acceptable in planning terms.

14. On balance, therefore, when considering and comparing the impact of the proposed development and the current situation, I find that there would not be a significant deterioration in daylighting to the adjoining property and its rear windows.
15. Despite the above, the proposed development by its skewed position, would be very close to the rear elevation of No. 6 London Road. I appreciate that there is already an outbuilding along the boundary and on the appellant's land, but this is sited further down the garden boundary, while the proposed development would be located along virtually all of the boundary. I appreciate too that the occupiers of the adjoining property have not objected to the proposed development. However, I must also consider the impact of the development upon possible future occupiers of the neighbouring property.
16. Furthermore, the proposed annexe would be no nearer to the rear elevation of the adjoining property than the conifer hedge and would have a similar height. In addition, I was able to see on my site visit that there is a fence of some 2.5 to 3 metres high, very close to the ground floor windows of the adjoining property, between it and the conifer hedge.
17. The impact of the hedge and the proposed development would not be the same. When comparing the two, the hedge has a softer, greener, impact and with a gap in it and some movement, whereas the proposed development would have a more static effect with a feeling of greater, unchanging overbearing permanence.
18. For these reasons, I consider that the proposed development would have an unacceptably overbearing impact upon the outlook for the occupiers of No. 6 London Road.
19. Therefore, I conclude that the proposed development would not accord with policy DES4 (c) and policy VILL1 of the DP which require development to avoid significant detrimental impacts upon the amenity of occupiers of neighbouring properties and land.

Conclusion

20. I have concluded that the proposed development would be subservient to the host property and would assimilate satisfactorily into the character and appearance of the dwelling and the area. I have also concluded that the impact in terms of daylight would not be significant. However, its impact in terms of the outlook from the rear of the adjoining property would be too enclosing and overbearing.
21. For this latter reason, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR