



Appeal Decision

Site visit made on 12 March 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20.03.2024

Appeal Ref: APP/N1920/D/24/3337057

18 The Birches, Bushey, Hertfordshire WD23 4TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Zimbler against the decision of Hertsmere Borough Council.
 - The application Ref is 23/0622/HSE.
 - The development proposed is double storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I've taken the site address above from the appeal form, albeit with a slight amendment to the order.
3. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposed development upon the living conditions of the occupiers of No 16 The Birches with particular regard to outlook.

Reasons

Character and Appearance

5. The Birches is a modern cul-de-sac located off Little Bushey Lane which provides a main route to the surrounding streets. The character of The Birches is suburban and spacious, which is enhanced by largely unenclosed front gardens/driveways and the mature landscaping.
6. The cul-de-sac consists predominately of two-storey detached and semi-detached houses with some minor variation in orientation to the road. Properties along the street display a variety of styles and designs, but all are of brick with pleasing design elements such as sections of first floor tile detailing.

7. The proposal is to enlarge the property at the front by constructing a two-storey extension. It would share a similar gable appearance to that on the opposite elevation albeit narrower with a greater projection. It would be sited on the existing driveway and retain nearby landscaping.
8. The proposed two storey extension would be of a projection that would not respect the character and massing of the locality when taking into account dwellings in the vicinity. Despite the use of matching materials, the proposal would add a bulky gable projection that would result in a two-storey front extension that would appear out of character for both the host dwelling as well as within the context of the neighbouring dwellings.
9. Additionally, as a result of the layout of the street and even when taking into consideration nearby trees the flank elevation of the appeal property is visible from many viewpoints along The Birches. The development would result in the introduction of an unattractive, featureless elevation which would appear prominently within this street scene, detrimental to its overall character and appearance. The proposal would, therefore, result in an extension which would be uncharacteristic for the host dwelling and incongruous within the immediate surrounding area.
10. For the reasons above, the proposed development would significantly harm the character and appearance of the area. It would fail to accord with Policy CS22 of the Hertsmere Core Strategy (CS) and Policy SADM30 of the Site Allocations and Development Management Policies Plan (SADMPP). These seek, amongst other things, to ensure development is of high-quality design; recognises and complements the particular local character of the area in which it is located. In addition, it would conflict with the Council's Planning and Design Guide (PDG) – Part E, in relation to front extensions. It would also be contrary to the National Planning Policy Framework (the Framework) where it states developments should be sympathetic to local character.

Living Conditions

11. The proposed extension would have a lower ridge height than the existing dwelling with a matching eaves height. Notwithstanding this, the scheme would increase the depth of the built form that is set very close to the rear boundary of 16 The Birches (No 16). Given the short separation the extension would be a noticeable presence above and beyond the boundary fence and would be obvious from within the garden of No 16.
12. The height, depth and close proximity of the elongated flank wall would result in it becoming an imposing and dominating feature from No 16. The scheme would create an uninviting outlook, and an increased sense of enclosure, from within the garden of No 16 particularly given the presence of existing tall trees to the side boundary adjacent the road.
13. Therefore, the proposed development would unacceptably harm the living conditions of the occupiers of No 16 with regard to outlook. It would fail to accord with Policy SADM30 of the SADMPP, in so far as it seeks to limit the impact on the amenity of neighbouring occupiers. In addition, it would conflict with the aims of the Council's PDG in relation to amenity. It would also be contrary to the Framework where it states developments should provide a high standard of amenity for existing users.

Other Matters

14. I acknowledge the appellant sought to work with the Council but was unable to reach an agreement on an amended development. However, this does not alter my findings or lead me to a different conclusion on the main issue.
15. While a development that reduces carbon emissions is a positive benefit this does not overcome the harms identified.
16. My attention has been drawn to a development at 22 The Birches. I do not have the full details before me. However, it does not entirely reflect the design or the scale of the proposal before me. The presence of this extension does not overcome the harm that I have otherwise found.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
18. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR