

Appeal Decision

Site visit made on 6 March 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2024

Appeal Ref. APP/J1915/D/24/3336925

36 Cozens Road, Ware, Hertfordshire SG12 7HJ

- 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 Tara Cretten against the decision of East Hertfordshire District Council.
 - The application ref. 3/23/2018/HH, dated 27 October 2023, was refused by notice dated 11 December 2023.
 - The development proposed is "*Demolition of garage. Erection of a two-storey side extension and single storey side extension. Insertion of dormer window to rear with roof light to front.*"
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes the East Herts District Plan 2018 (DP). The National Planning Policy Framework is a material consideration in planning decisions. The revised versions of that document published in December 2023 do not materially differ from earlier versions, insofar as the planning policy context around the main issue in this appeal is concerned.

Main issue

3. The main issue is the effect of the proposed development upon the character and appearance of the dwelling and the locality.

Reasons

4. Paired with no. 34, the appeal property is a semi-detached, two-storey house. They lie at the southern end of a row of semi-detached houses on the eastern side of Cozens Road. No. 34 is at the end of this row.
 5. Public footpath 12 progresses eastwards up the field to the rear of the appeal property and the neighbouring houses. Consequently, the rear elevations of these properties are prominent from public vantage points when approaching from higher ground westwards along this public footpath.
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6. No. 34 has been extended on its southern side over 2 storeys. There is an extensive area of open land and public footpath 12 beyond the southern side boundary of no. 34. No. 38 on the northern side of the appeal property has also been similarly extended.
7. Both of those neighbouring extensions, and some others nearby, were not set down from the ridge or back from the front elevation so they are not truly subservient additions. The Council recognised this local pattern of extensions and consequently raised no objections to the similar lack of subservience identified with the proposed 2-storey side extension at the appeal property.
8. However, the remaining gaps, especially above ground floor level, between the pairs of semi-detached houses hereabouts make a positive contribution to the character and appearance of this part of Cozens Road and in some cases provide for views from the street to the vegetation or sky beyond. In this case, the value of the remaining gap between nos 36 and 38 is enhanced by the prominence of those properties when approaching along Cozens Road from the west from the point where it merges with Lower Clabdens. The generous size of the appeal property's front driveway and the degree to which the house is set back from the road do little to deflect from the prominence of the location.
9. The house would be extended sideways over 2 storeys so as to come very close to the common side boundary with no. 38, thus significantly reducing the gap between nos 36 and 38 at first floor level. The plans show that a gap of only 1 m would be left between the opposing gable ends. The slight stagger in the front building line between the 2 properties and the marginally higher land level of no. 38 would be insufficient to avoid the creation of a visually damaging terracing effect within the street scene whereby the 2 pairs of semi-detached dwellings would become less visually distinct. This and the general loss of spaciousness would disrupt the character and appearance of the street scene and conflict with the aims for a high standard of design set out within DP Policy DES4 and more directly with criterion (b) of DP Policy HOU11.
10. That latter criterion indicates that side extensions at first floor level or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property, with the general rule being that a space of 1 m will be the minimum acceptable. That measurement does not apply to the gap between the opposing gable ends themselves.
11. The proposed rear roof dormer would plainly not be of limited extent and modest proportions as required by DP Policy HOU11 criterion (d). With no notable recesses from the ridge, sides and eaves of the roof, the virtually flat-roofed dormer would extend over almost the entire rear roof slope and involve the continuation of the rear wall face. The proposed rear dormer would visually dominate the building's rear elevation and roof form. Having the appearance of a bulky large box, it would also leave the house with an awkward asymmetrical side profile. The property would take on a top-heavy appearance, giving the impression of having a full third storey. This would be a step in the wrong direction in terms of design, massing, shape, character, scale and proportion in comparison to the existing house and the semi-detached pair as a whole.
12. It would be apparent from neighbouring back gardens and public footpath 12 that the rear dormer would be out of keeping with the form and scale of the

- host property and amount to an overly bulky addition, particularly as the rear roof slopes of the closest neighbouring houses along Cozens Road remain without any form of dormer. This part of the scheme also conflicts with DP Policy DES4 and more directly with criterion (d) of DP Policy HOU11.
13. Even if matching materials were to be used, the design flaws of the 2-storey side extension and rear dormer window I have referred to above would persist.
 14. The appellant has submitted photographs of a number of side extensions which have resulted in reduced spacing between houses and of various sizeable roof dormers. I saw these properties on my site visit but not all of the extensions and dormers are necessarily good examples to follow. Some of them are also a considerable distance away from the appeal site.
 15. With the exception of 7 Cozens Road, where the erection of side and rear extensions is underway pursuant to ref. 3/22/2102/HH, I do not have the planning history of those other properties before me, so I have no evidence of the Council recently granting planning permission for the examples highlighted and therefore considering them acceptable. They may well have variously come about through historic planning decisions or permitted development rights. They do not justify the appeal scheme in the face of the harm it would cause. The site context for 7 Cozens Road, a prominent corner plot opposite the appeal property, is different to the relationship presented by nos 36 and 38 and insofar as I am aware that scheme did not propose a sizeable roof dormer.
 16. The field behind no. 36 has been selected to form part of the large scale WARE2 development project, now covered under application ref. 3/22/2406/FUL. From the limited details before me, if the application were to be approved and the development eventually go ahead, public open space and tree planting are likely to feature around the line of public footpath 12. The rear dormer may well be viewed from a wide range of public vantage points in this scenario.
 17. I find on the main issue that the proposed development would harm the character and appearance of the dwelling and the locality and conflict with the most relevant DP policies to which I have already referred. Good design is also a cornerstone of the National Planning Policy Framework.
 18. I acknowledge that the appellant wishes to create a family home with modern living space for a growing family and for working from home. The scheme would also address the inadequacies of the damaged and leaking garage and improve the energy efficiency of the house as a whole. I have also taken account of the absence of objections from local residents and the Town Council. Whilst I give weight to these other considerations, I have come to the view that they are not sufficient to outweigh the harm that I have described.
 19. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR