

Appeal Decision

Site visit made on 8 May 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2024

Appeal Ref: APP/N1920/D/23/3335901

41 Lodge Avenue, Elstree, Borehamwood WD6 3NA

- 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 Richard Sidlin against the decision of Hertsmere Borough Council.
 - The application, Ref. 23/1175/HSE, dated 15 August 2023 was refused by notice dated 1 December 2023.
 - The development proposed is for the removal of the car port; the erection of a new garage and for an extension to the roof extension.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the car port; the erection of a new garage, and an extension to the roof extension at 41 Lodge Avenue, Elstree, Borehamwood in accordance with the terms of the application, Ref. 23/1175/HSE, dated 15 August 2023 and subject to the condition that within one month of this Decision, and having first sought confirmation from the Local Planning Authority as to the amendments required, the appellant shall submit accurate drawings illustrating the development as now approved. The development shall be carried out / retained in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and its surroundings.

Reasons

3. The appeal application is for the most part retrospective and although there are several elements to the scheme it is clear from the Notice of Refusal that the Council's objection relates only to the rear dormer. This is considered to be too large as regards its width and bulk and thereby harmful to the character and appearance of the host dwelling and surrounding area, the latter including the street scene.
 4. The plans initially before me in this appeal appeared to show the rear dormer extending to eaves level and thereby occupying the full depth and width of the existing rear roof plane as extended by the side extension. I consider that this would be a dominant and bulky addition that would unacceptably harm both the character and appearance of the dwelling and its surroundings.
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5. This development also appeared to be inconsistent with the grounds of appeal and at my request further plans were submitted to establish that the permission sought in the application was for the dormer as now built. Whilst this includes a raised ridge compared to the original dwelling and occupies the full width of the building including the side extension for which permission is also sought in the application, I consider this dormer and the other aspects of development already carried out to be acceptable.
6. This is because, as built, the roof extensions are perceived as integrating with the original building in a manner that if first built as a new dwelling it would have been acceptable as a 1.5 storey building of an appropriate design. In this way, and in particular by maintaining a reasonable distance from the eaves line, the proposal avoids the unsympathetic 'bolt on' appearance of disproportionate scale that characterises many rearward extensions, including those allowed under permitted development. I saw at my visit that there are already some of these in Lodge Avenue and close to the appeal dwelling.
7. Furthermore, the existing street scene does not have an established rhythm of buildings with the same or similar designs that requires consistency and continuity to maintain a good standard of character and appearance in the locality. As the grounds of appeal mention, the street scene of Lodge Avenue includes two-storey houses as well as bungalows.
8. In coming to this view and aside from the main issue I also note that the Council had negotiated the removal of a bedroom window on the side closest to No. 39 to avoid undue overlooking of the rear garden to that property. However, this has now been re-included in the further plans sent to the Planning Inspectorate and I have therefore given the matter further consideration.
9. In addition to noting that this window results in the dormer having a more balanced appearance as regards the fenestration, the views overlooking the rear garden of No. 39 from the bedrooms are not significantly different to those from the adjacent larger dormer window. I have also noted that No. 39 itself has a large dormer with a depth to the eaves line, albeit more centrally placed, with full height glazed windows/doors opening on to a balcony. Taking this existing overlooking into account as well as the absence of any written objection to the appeal scheme from the occupiers of No. 39, I consider on balance that the dormer as built does not cause an unacceptable loss of privacy.
10. Overall I conclude that the development would not cause harm to the character and appearance of the host dwelling and its surroundings. Accordingly, there would be no conflict with Policies CS14 & CS22 of the Hertsmere Core Strategy 2013; Policies SADM29 & SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan 2016; Part E of the Council's Planning and Design Guide 2006, and with Government Policy in Section 12: 'Achieving Well-Designed Places and Beautiful Places' of the National Planning Policy Framework 2023. I shall therefore allow the appeal.
11. In so doing I shall impose a condition that requires the appellant to submit accurate plans of the development. Errors that still existed in the plans submitted during the appeal were identified by the Council and I consider it essential that in the interests of both certainty and proper planning there is a

formal public record of the extent and form of the alterations and additions that have been approved.

12. In this context I note that the Council has not yet received amended plans previously requested. And in the event of non-compliance with the condition imposed in this appeal, this would no doubt be material to the Council's assessment of the expediency of invoking the further necessary procedures to regularise the lawful status of the development.

Martin Andrews

INSPECTOR