



Appeal Decision

Site visit made on 14 May 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 5TH June 2024

Appeal Ref: APP/J1915/D/24/3338685

128 Ware Road, Hertford, Hertfordshire 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 3/23/2258/HH, dated 28 November 2023, was refused by notice dated 29 January 2024.
 - The development proposed is described as the resubmission of proposal to demolish an existing garage and annex building, and to erect a two-storey side and rear extension (to provide accommodation for elderly relatives). The footprint and width of the extension has been reduced, and the layout altered.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issues are (a) whether there is a functional link between the host property and the proposed development and (b) the effect of the proposed development on the character and appearance of the host property and the streetscene.

Reasons

Functional Link

3. The proposed development includes a 2-storey side extension to a detached dwelling located within a primarily residential area. The appellant refers to the proposed development providing accommodation for elderly relatives.
4. The Council's concerns with the scale of the proposed habitable accommodation include that it would be of a similar size to an independent dwelling and it would be more than the minimum level of accommodation required to support the needs of the future elderly occupiers. However, this matter was previously assessed by an Inspector determining an appeal for a similar sized extension at the property which would have provided a similar level of accommodation for elderly relatives (Ref APP/J1915/D/23/3329440).
5. Having considered the previous Inspector's assessment and also the internal layout of this appeal scheme, there are no reasons to disagree with the previous Inspector's judgement that there would be a clear functional link between the proposed extension and the host dwelling. This assessment extends to the type of accommodation proposed, the internal connectivity and

the sharing of the rear garden, driveway and parking area. Accordingly, the proposed extension would be a residential annex capable of being used as an integral part of the host property.

6. On this issue, it is concluded that there would be a clear functional link between the host property and the proposed development and, as such, there would not be a conflict with Policy HOU13 of the East Hertfordshire District Plan (DP). This policy refers to residential annexes providing accommodation forming an extension to the main dwelling and being capable of being used as an integral part of the dwelling. Reference is made by the Council to the Kingsmead Neighbourhood Plan but no specific policy conflict is identified.

Character and Appearance

7. The appeal property is a 2-storey dwelling sited within a large verdant and spacious plot. As with other detached dwellings fronting the south side of Ware Road, the property is elevated above the footway and carriageway. By reason of the setting back of the dwellings to the rear of front gardens, which are landscaped and used for parking, the streetscene has a spacious and verdant character and appearance. Although it is partially screened by the trees and other vegetation within the front garden, the property and the site of the proposed 2-storey side extension are clearly visible along the driveway.
8. The proposed extension would occupy much of the gap between the property's 2-storey flank wall and the side boundary of the curtilage which is defined by vegetation and an access drive. A single storey garage which occupied part of the gap has been demolished. The scale of the proposed extension would increase the width of the host property by about 50% and, as such, the resulting property would have the appearance of occupying almost the full width of this verdant and spacious plot. By reason of the siting and width of the resulting property, the appeal scheme would have a detrimental effect on the positive contribution made by the host property to the character and appearance of the streetscene.
9. Further, because of its scale the proposed extension would not appear to be a subservient addition to the host property. This lack of subserviency is not outweighed by the proposed extension's lower ridge and eaves heights and it being set back from the front elevation of the host property. The design of the appeal scheme would also result in an unbalancing of the host dwelling which has a symmetrical appearance associated with the prominent central projecting gable with similar fenestration either side. The significant harm caused to the character and appearance of the host property would be noticeable from Ware Road.
10. The provision of accommodation for elderly relatives has been carefully considered. However, this amounts to a personal circumstance which may change overtime but the harm which has been identified would have a longer term effect on the character and appearance of the host property and the surrounding area. Accordingly, it is judged that the identified unacceptable harm outweighs the personal circumstances in this case.
11. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with DP Policies DES4, HOU11 and HOU13. Amongst other matters, these policies refer to

development being expected to be of a high standard of design with extensions being of a size, scale and design appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Further, extensions should generally appear as a subservient addition to the dwelling. As with the first issue, there is no specific conflict identified with the Neighbourhood Plan.

Conclusion

12. Although there would be a clear functional link between the host property and the proposed development, this matter is demonstrably outweighed by the unacceptable harm which would be caused to the character and appearance of the host property and the streetscene. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR