



Appeal Decision

Site visit made on 19 July 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/P1940/D/24/3343591

16 Maple Lodge Close, Maple Cross, Hertfordshire WD3 9SN

- 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 & Mrs Jones against the decision of Three Rivers District Council.
 - The application Reference is 24/0201/FUL.
 - The development proposed is described as 'Demolition of existing garage and construction of single storey front, side, rear extension; loft conversion including hip to gable roof extension with rear dormer window and front rooflights; replacement of window to side elevation.'
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing garage and construction of single storey front, side, rear extension; loft conversion including hip to gable roof extension with rear dormer window and front rooflights; replacement of window to side elevation; at 16 Maple Lodge Close, Maple Cross, Hertfordshire WD3 9SN in accordance with the terms of the application Reference 24/0201/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be commenced within a period of no later than three (3) years from the date of this decision notice.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - Location Plan and Site Plan, Drawing No. MLC PA 03 Rev A, Dated February 2024;
 - Proposed Floor Plans and Elevations, Drawing No. MLC PA 02 Rev E, Dated February 2024.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Before the first occupation of the building/extension hereby permitted the window in the second floor flank elevation facing No. 18 Maple Lodge Close, shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Application for Costs

2. An application for costs was made by Mr & Mrs Jones against Three Rivers District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of the development has been taken from the Council's Decision Notice as this describes the elements requiring planning permission. It is noted that this description is also mentioned on the Appellant's Appeal Form.
4. The refused scheme contains a number of elements, such as the single, front, side and rear extension and hip to gable roof extension. It is noted in the refusal reason and officer report that these elements are considered appropriate and in accordance with the development plan. The main concern from the Council and as noted in the refusal reason is the construction of the dormer window to the rear roof plane. I have no reason to revisit elements of the application as to their appropriateness against the Development Plan. As the rear roof dormer is the only element in dispute, this letter will focus on this element only.

Main Issue

5. Taking the above into account, the main issue is the effect of the rear dormer window upon the appeal property and the character and appearance of the locality.

Reasons

6. The appeal property is located along Maple Lodge Close, a residential road that appears to be part of an urban expansion that contains a speculative development of semi-detached and terraced dwellings which appear to date from the mid-twentieth century. The dwellings to the south side of Maple Lodge Close have a symmetrical composition with hipped roof form, large central coaxial chimney stack, 2 storeys, with similar materials of brick to the ground floor with pebbledash render to the first floor. The majority of roof forms within this street scene as well as surrounding are hipped which expresses a symmetry throughout the estate between the dwellings as well as between the pair of semi-detached dwellings in which the appeal site is located. The dwellings along the street have similar front and side setbacks with front gardens and low boundary walls which give an openness in and around the dwellings with the tops of large mature vegetation visible between gaps along the street. These elements contribute towards the positive characteristics, appearance and local distinctiveness of the locality.
7. The appeal dwelling contains many of these positive characteristics, being one half of the characteristic semi-detached dwellings, with hipped roof, coaxial chimney, with brick and rendered façade, and low side boundary wall. The front of property is landscaped for vehicular parking and the front boundary wall removed which is detrimental to the character and appearance of the area. Whilst there is evidence of hip to gable roof extensions and dormer extensions to the rear, the asymmetrical design and poor roof form does present as a distraction within the street scene where the characteristic hipped roof is a positive attribute to the design of the roof and relationship to the street scene.

8. In undertaking an assessment of design and character, the Three Rivers Core Strategy (CS) Policies CP1 and CP12 list a number of design related principles such as ensuring high quality design, having regard to the local context, conserving and enhancing character, amongst others. Policy DM1 of the Three Rivers Development Management Policies Local Development Document (DMP) has an Appendix 2 which specifically mentions considerations regarding dormer windows such as always being subordinate to the main roof; set below the existing ridge level; set in from either end of the roof; and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible.
9. The proposed dormer window would be very large and extend for much of the width and height of the proposed roof. Whilst it would be slightly inset from the sides and apex of the roof, the proposed dormer would be a dominant addition that would remove much of the existing roof form, with the dormer window being overly large and not subservient to the existing roof form, as specifically sought by DMP Policy DM1. Consequently, the proposed roof form of the dormer roof extension does present as an incongruous form of development which does harm the character and appearance of the area and would be contrary to CS Policies CP1 and CP12, and DMP Policy DM1 as explained above.
10. In the Appellant's Statement of Case (SoC) an argument is put forward that the dormer window would be under permitted development rights which are allowed under the General Permitted Development Order 2015 (as amended) (GPDO). Whilst it is not for me under a Section 78 appeal to determine the current correct and legal development of the roof dormer under this separate provision, the GPDO¹ is quite clear that the roof form should be 'existing' before permitted development rights could be enacted. The development would therefore require the hipped roof form to have been erected as a gable and pitched roof before a dormer could be erected under the provisions of the GPDO.
11. With that said, and whilst I agree with the Council in the way they determined the application in line with the policies of the development plan; I have also taken into account the fallback position suggested by the Appellant that if they were to have constructed the hip to gable extension and once finished, constructed the rear dormer window under the provisions of the GPDO, then the same result and harm upon the character and appearance of the existing building and greater locality would be achieved. Whilst I do not agree with the way and process that the dormer window has been justified through the application; I am however sympathetic to arguments that it would be unreasonable to construct the extension only to then need to alter it again to enact permitted development rights under the GPDO and achieve the same result.
12. In this particular instance the GPDO and the resultant fallback scheme achievable under this Order carries significant weight as a material consideration to the determination of this scheme. This decision has been taken in light of these specific factors and should not be taken as a commentary on the future application of this policy and its association with the provisions of the GPDO. Therefore, and in conclusion of this matter; whilst the proposed

¹ General Permitted Development Order 2015, Schedule 2, Part 1, Class B

development would conflict with the development plan, this is outweighed by other material considerations as explained above.

Conclusions and Conditions

13. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted.
14. The Council in their Appeal Form response detailed that should the appeal be allowed, that conditions regarding time limit, approved plans and materials which match existing be placed on any decision notice. I have considered the conditions as specified in the beginning of this letter in accordance with the Planning Practice Guidance (PPG). Suggested Conditions 1 and 2 are standard conditions which notes the approved plans which are necessary for the avoidance of doubt and in the interests of proper planning. Suggested Condition 3 seeks that the scheme is constructed in matching materials which are necessary as this condition enables the development to fit in with the character and appearance of the existing dwelling and the locality. Suggested Condition 4 seeks that the window to the side façade is obscurely glazed in order to avoid overlooking concerns. This is considered necessary and appropriate.

J Somers

INSPECTOR