



Appeal Decision

Site visit made on 8 October 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2024

Appeal Ref: APP/N1920/W/24/3340628

85 Cranborne Road, Potters Bar, Hertfordshire EN6 3AQ

- 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 A Chahal against the decision of Hertsmere Borough Council.
 - The application Ref is 23/1716/FUL.
 - The development proposed is described as 2.5m wide extension to side of existing house and extension to rear to allow division to create additional dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for part single, part two-storey side/rear extension (following part demolition of existing dwelling and single-storey rear extension) and alterations to the existing fenestration to allow for the conversion of the existing dwelling into two separate two-storey dwellings, hard/soft landscaping including boundary treatment, private amenity space, cycle and refuse/recycle storages and new vehicular crossover to facilitate parking at 85 Cranborne Road, Potters Bar, Hertfordshire EN6 3AQ in accordance with the terms of the application, Ref 23/1716/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The description of development in the banner heading above has been taken from the planning application form. It is different to that on the decision notice and no confirmation has been provided that the change to the wording of the description was agreed by both parties. However, the description of development on the decision notice more fully and accurately describes the proposed development. I have therefore used it in my formal decision. This description has also been used by the appellant in their statement of case.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site contains a two-storey semi-detached house located on a prominent corner plot. The side of the house is visible from the street, whereas the rear is more screened due to the boundary hedging.
5. The house and its adjoining neighbour share a simple design which are in general harmony with each other in terms of their scale and massing. The house fronts a short cul-de-sac and forms part of a row of two-storey semi-

detached pairs of houses. Across the rear elevations of these houses, some have extended at ground floor, whereas first-floor extensions are more limited. The surrounding area is predominately residential in character.

6. The proposed development would extend the existing house by wrapping around the side and rear elevation to create two separate houses. The single-storey rear extension would extend the full width of the house and would be connected to the side extension. Consequently, the total width of the proposed development would be greater than the existing width of the house. When combined with the proposed depth, this would result in each house having a large footprint.
7. The depth and massing would also be increased at first-floor level, through the rear and side extensions. The houses would have a bulky appearance because of the cumulative footprint, scale and massing of the extensions. This would not amount to a subservient addition to the site. One of the houses would read as though it has two first-floor extensions which extend across the full width of the house, emphasising the scale and massing further. Whereas the other would have one first-floor extension set-in from one of the side boundaries. As a result, the houses would be disproportionate and unbalanced in their design.
8. The houses would be viewed in conjunction with the adjoining house at 87 Cranborne Road. Through a combination of the bulky form and the size of the extensions, the resultant houses would be more substantial and thereby more dominant than their neighbours. The specific design details in terms of the matching material palette would not sufficiently address these issues.
9. The single-storey rear extensions would sit well below the first-floor windows and the first-floor extensions would be set-down from the main roof ridge. The extensions would therefore not be excessive in height. Nevertheless, this would not overcome my concerns over the cumulative width, depth and design of the extensions.
10. I appreciate that within the immediate area, there are other examples of houses that have extended as shown in the Design and Access Statement. However, these approved developments do not appear to include a combined two-storey side extension, single-storey rear extension and first-floor rear extension which extends across the full width of the property and is adjoined to another first-floor extension. As there are notable differences in the design of the proposed development and the examples referred to, these do not weigh in support of the development. The other examples referred to are not near to the appeal site for the proposed development to be viewed in this context. In any event, each proposal must be judged on its individual merits.
11. There is an extant permission at the appeal site for a two-storey side extension and part single, part two-storey rear extension¹. There is no evidence before me to suggest that if this appeal does not succeed the extant scheme would not be implemented.
12. Both the proposed development and the fall-back scheme would provide one additional dwelling. The contribution towards housing supply would therefore be the same.

¹ Council Ref: 23/1184/FUL

13. The fall-back scheme would provide an additional three-bedroom house whereas the proposed development would provide an additional four-bedroom house. Although the appellant asserts that this would cater for a wider demographic and different family sizes, this has not been substantiated by evidence.
14. Under the fall-back scheme, the two-storey side extension would not connect to the first-floor rear extension and would not wraparound the first floor. Each house would also have one first-floor extension set in from the side boundaries. The proposed development would therefore have a greater massing and scale than the fall-back scheme and would differ in design. Subsequently, the proposed development would result in greater harm to the character and appearance of the area than the fall-back scheme. The existence of this fall-back position is therefore not sufficient to outweigh the harm identified above.
15. For these reasons, I conclude that the proposed development would cause moderate harm to the character and appearance of the area on account of the localised effect. Nevertheless, it would conflict with Policies SP1, SP2 and CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy 2013 (the Core Strategy), Policies SADM30 and SAMD3 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016 (the Site Allocations and Development Management Policies Plan), Part E: Guidelines for Residential Extensions and Alterations 2006 and Draft Part D: Guidelines for High Quality Sustainable Development 2016 of the Planning and Design Guide, and the National Planning Policy Framework (the Framework).
16. These policies and guidance, amongst other things, require development to enhance or improve the visual amenity of the area by virtue of its scale, mass, bulk and urban form, to be sympathetic to local character and be of a high quality design with account taken of the cumulative impact of new development.
17. The reason for refusal refers to Policies CS1 and CS2 of the Core Strategy which concern the supply and location of homes. These policies are not determinative in the context of character and appearance.

Other Matters

18. Concerns have been raised by a resident regarding parking. The Council's delegated report confirms that the Highway Authority raised no objection. The proposed development would provide two parking spaces for each of the houses. I am therefore satisfied that sufficient parking for the development would be provided and in turn, would not result in a material increase in on-street parking demand.
19. The views from the windows in the proposed development would be similar to those from the existing windows at the appeal site. The development would therefore not result in an increased level of overlooking to such an extent that would detrimentally harm neighbour's privacy.
20. Damage during construction would be a private matter between the parties involved.

Other Considerations

21. Set against the harm, the proposed development would provide an additional home on a brownfield site, with a good standard of accommodation. It would be an efficient use of brownfield land in an accessible location and could be delivered quickly. This would support the Government's aim of significantly boosting the supply of homes and would contribute towards the Council's housing supply. Whilst only one house would be added to the supply, that is nonetheless a significant benefit.
22. Short-term employment would arise through the construction of the proposed development and future occupiers would bring trade to nearby shops and services. These are limited benefits given the quantum of development.

Planning Balance

23. The proposed development would cause moderate harm to the character and appearance of the area and would conflict with Policies SP1, SP2 and CS22 of the Core Strategy and Policies SADM30 and SAMD3 of the Site Allocations and Development Management Policies Plan. These policies are consistent with the Framework in seeking to create high quality, beautiful buildings that are visually attractive. Although the degree of conflict would be moderate, the proposed development would conflict with the development plan as a whole.
24. The Council cannot currently demonstrate a five year supply of deliverable housing sites. With a supply of 2.25 years, this is a considerable shortfall. Consequently, the provisions of footnote 8, paragraph 11 d) (ii) of the Framework should be applied. Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
25. As the proposed development would add to the housing stock, in the context of the Council's housing supply, this is a matter that carries substantial weight in its favour. This would also accord with parts of the Framework which state that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and support should be given to the development of windfall sites. As described above, there are also other limited benefits.
26. The Council raised no objections on residential amenity, living conditions for future occupiers, highways, trees, landscaping, ecology, sustainability and construction grounds. However, these are neutral considerations and would neither weigh for nor against the proposed development.
27. Taking all of the above into account, the moderate harm to the character and appearance of the area would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does apply.

Conditions

28. The Council has supplied a list of conditions that it considers would be appropriate. I have considered these in light of the tests within the Framework and Planning Practice Guidance (PPG). Where appropriate, I have adjusted the wording of the conditions to improve relevance, precision and enforceability.
29. In addition to the statutory time limit condition [1], I have imposed conditions specifying the approved plans for certainty [2]. To minimise the impact of the

development on the environment and comply with the Council's development plan policies and the Framework in respect to climate change and sustainability, it is necessary to impose a condition requiring a Climate Change and Sustainability Statement to be submitted [3]. This condition must be a pre-commencement condition as it includes measures that should be incorporated into the construction of the development from the outset and would be ineffective if it were required to be addressed at a later stage. The appellant has given written agreement to this pre-commencement condition.

30. It is necessary to impose a condition requiring matching external materials to be used [4] in the interests of protecting the character and appearance of the area. In the same regard and to enhance local biodiversity, I have imposed conditions for the submission and implementation of hard and soft landscaping and boundary treatments [5]. I have not included the requirement for the hard surfacing to be porous as this is shown on plan number 221116/406.
31. A condition to secure refuse and recycling facilities is necessary to protect the character and appearance of the area as well as the living conditions of future occupiers [6]. It would be unreasonable for this condition to be pre-commencement, given its nature.
32. In the interests of highway safety, it is necessary to ensure that vehicular access and parking are provided in accordance with that shown on plan numbers 221116/406 and 221116/407 [7]. I have not included the requirement for surface water drainage to be intercepted as it has been shown that the parking areas would be permeable.
33. To comply with Policy CS22 of the Core Strategy, it is necessary to impose a condition to require compliance with Part M4(2) of the Building Regulations [8]. It would be unreasonable to require these details to be submitted prior to the commencement of the development.
34. To protect residential amenity, it is reasonable to impose a condition which prevents the flat roofs of the extensions from being used as amenity space [9].
35. The Council has suggested a condition to remove permitted development rights. As set out in the PPG and the Framework, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council has provided no justification. Bearing in mind the limitations of permitted development in terms of size and position of development permitted, I am not persuaded that the site circumstances are such, to justify the removal of these permitted development rights to safeguard the character and appearance of the area.

Conclusion

36. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

L Reid

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

221116/408, 221116/405, 221116/409, 221116/407, 221116/406,
221116/404, 221116/403.
3. No development shall take place until a Climate Change and Sustainability Statement has been submitted to, and approved in writing by, the local planning authority. As a minimum, the statement shall include the following information:
 - i. How the scheme has been designed taking into account the generic principles of Policies CS16 and CS17 of the Hertsmere Local Plan Development Plan Document Core Strategy 2013 (eliminate, reduce, substitute and offset) taking a structured approach seeking to reduce carbon emissions;
 - ii. How materials will be selected having regards to carbon reduction objectives;
 - iii. Any other relevant information which has been taken into account to minimise carbon emissions resulting from the scheme, such as the principles of fabric first, energy efficiencies, emitted or embodied carbon;
 - iv. Measures taken to reduce water usage during occupation of the development; and,
 - v. Details of the use of Sustainable Urban Drainage Systems (SUDS) and flood risk management.

The sustainability measures set out within the statement shall be installed prior to the first occupation of the development and retained thereafter.

4. 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.
5. No development above damp proof course shall commence until a scheme of landscaping and boundary treatment, which shall include details of hard and soft landscaping works and earth works, has been submitted to, and approved in writing by, the local planning authority.

The soft landscaping scheme shall utilise native species which contribute towards local biodiversity and shall include replacement tree planting at a minimum ratio of 1:1 (excluding category U trees). The use of hedgehog fences, integrated bird and bat boxes, bee bricks, log piles and other features which would improve biodiversity provision at the site shall be incorporated into the scheme.

The approved scheme of soft landscaping shall be carried out in the first planting season following the completion of the development. Any trees,

shrubs or plants that die within a period of ten years from the completion of the development, or are removed, or become seriously damaged or diseased in that period, shall be replaced in the first available planting season with others of a similar size and species.

Any walls, fences, gates or other means of enclosure, and any hard landscaping, shall be implemented in accordance with the approved scheme prior to the first occupation of the development, and shall thereafter be retained.

6. The development hereby permitted shall not be occupied until details of the refuse and recycling facilities have been submitted to, and approved in writing, by the local planning authority. The approved facilities shall be installed prior to the first occupation of the development and retained thereafter.
7. Prior to the first occupation of the development, the vehicular access and parking shall be completed in accordance with plan numbers: 221116/406 and 221116/407 and shall thereafter be retained.
8. The development hereby permitted shall not be occupied until the Building Regulations requirements of Part M4(2) Category 2: Accessible and adaptable dwellings have been complied with.
9. The roof areas of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity space.

END OF CONDITIONS