



Appeal Decision

Site visit made on 1 November 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/N1920/W/24/3342299

59 Elstree Road, Bushey Heath, Hertfordshire WD23 4GJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Mara Frisch against Hertsmere Borough Council.
 - The application reference is 23/1108/HSE.
 - The development proposed is described as create open plan living space and demolish existing conservatory and rebuild to create additional bedroom space and snug area.
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Decision

1. The appeal is dismissed and planning permission to create open plan living space and demolish existing conservatory and rebuild to create additional bedroom space and snug area is refused.

Procedural matters

2. The description of development given in the above heading is taken from the completed application form. However, revised plans were submitted, which prompted the Council to refer to the proposal in the following way: demolition of existing rear conservatory; construction of a single storey rear extension and alterations to the fenestration; retrospective planning permission for a single storey side extension; and reconstruction of existing raised terrace at the rear elevation. From my inspection of the revised drawings and the site, I consider that the Council's description more accurately reflects the development sought.
3. In its Statement of Case, the Council has recommended that planning permission be refused for the following reason:

"The existing and proposed plans submitted (drawing references: 183/005 revision P01 and 183/105 revision P01) are incorrect and do not accurately represent the extent of the existing property on-site. As such, Officers are unable to make an accurate assessment of the planning merits of the proposed development in relation to the existing property. The proposal would therefore fail to accord with policies CS14 and CS22 of the Core Strategy 2013, policies SADM29 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and the National Planning Policy Framework 2023).

4. The Council subsequently elaborated on these matters following a request for clarification from The Planning Inspectorate. In an email dated 12 November 2024, the Council points out that, in its view, the existing front and rear dormers are shown incorrectly and that the elevations of the appeal dwelling do not correspond with each other. The appellant was invited to respond to these

additional comments, and these were received by The Planning Inspectorate on 19 November 2024. I have considered the additional representations made by both main parties along with all the submitted evidence.

Reasons

5. Even though the existing dormers on the front and rear roof slopes of No 59 would not be altered, the Council notes that these structures are shown incorrectly on the appeal plans. It also notes that the rear, side and front elevations of the existing and proposed appeal dwelling are inconsistent. As a result of these flaws, the Council says that it was unable to carry out an accurate assessment of the planning merits of the proposal. Accordingly, it has recommended that planning permission be refused given a conflict with several development plan policies and the National Planning Policy Framework.
6. The appellant says that she was not made aware of these errors in the revised drawings nor given an opportunity to discuss or rectify the issues raised. Nevertheless, and notwithstanding that the Council's specific concerns have only just come to light, the plans before me contain significant inaccuracies and inconsistencies. The size and position of the existing dormers appear to be incorrectly shown on the appeal plans and the front, side and rear elevations of the dwelling, as existing and proposed, are inconsistent. On that basis, I am unable to determine this appeal on its planning merits. Even if I were minded to allow the appeal, notwithstanding the Council's opposition to the proposal, the flaws in the submitted plans could not be satisfactorily remedied by the imposition of planning conditions.
7. That the Council should have raised these concerns much sooner in the application process is, to my mind, in little doubt. The revised drawings were with the Council for roughly 6-months before the appeal was lodged on non-determination grounds. The uncertainty associated with the Council's handling of the application appears to have led to appellant incurring additional costs and difficulties in retaining her building contractor. To that end, the appellant has requested compensation for the financial losses incurred. However, my remit is solely to determine this appeal.
8. I appreciate that the appellant's intention was, in effect, to renew an earlier approval to enlarge and alter No 59 with revised plans that also covered the side addition and front fence, as built. Reference is also made to works to neighbouring properties that the appellant says have been approved and completed. Nevertheless, for the reason that the submitted plans contain significant inaccuracies and inconsistencies, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR