



Appeal Decision

Site visit made on 17 December 2024

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/J1915/D/24/3347098

211 Stanstead Road, Bishops Stortford, CM23 2AP

- 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 Mrs Amy Chandler against the decision of East Herts District Council.
 - The application Ref is 3/24/0238/HH.
 - The development proposed is a single storey rear extension incorporating roof lantern and two storey side extension with four roof lights, following demolition of existing garage.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 14 January 2025

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension incorporating roof lantern and two storey side extension with four roof lights, following demolition of existing garage at 211 Stanstead Road, Bishops Stortford, CM23 2AP N in accordance with the terms of the application ref 3/24/0238/HH, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.
 - 3) No site clearance, preparatory work or development shall take place until the tree protection measures set out in the Arboricultural Method Statement, by Elizabeth Greenwood (January 2024) have been undertaken in full. Such measures shall be retained and maintained until all equipment, machinery and surplus materials have been removed from the site.
 - 4) The development shall be carried out in strict accordance with the specified Methods of Construction for Development and the Post Construction and Landscaping near Trees as set out in the Arboricultural Method Statement, by Elizabeth Greenwood (January 2024), and any measures specified therein retained thereafter in accordance with the specified details.

- 5) The proposed first floor window openings in the north elevation shall be fitted with obscured glass. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed, and once installed the obscured glazing shall be retained thereafter.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 211Sans-Plan-003 Rev A & 211Sans-Plan-004 rev A.

Main issues

2. The main issues are the effect of the proposed development on, firstly, the character and appearance of the surrounding area; and, secondly, the living conditions of adjoining occupiers.

Reasons

Character and appearance

3. I saw at my site visit there is a varied character to the area, which includes houses with both flat frontages and gable frontages. Properties in the vicinity of the appeal site are set well back from the road on spacious plots with a consistent building line, behind mature vegetation and hedges. Buildings are at a notably higher level than the road and footway.
4. The proposals would see the house extended to the side with a two storey addition. This would continue the existing building line of the house at first floor, with gable end, and a front projection at ground level. The existing roof line would be continued in the new extension.
5. The local planning authority comment that this design approach does not display a degree of subservience to the original house and so, with the overall size of the addition, makes the extension appear of excessive scale and over-dominant. However, the extended house would be of a well-considered design: the new addition, with a gabled and bay window design, would appear appropriate in scale and balance to the original part of the house, and the rendering of the property would ensure a coherent appearance to the building. The extended house would effectively appear as a property that has been substantially remodelled to create a house of different appearance, and that appearance and scale would sit comfortably within the varied character of the area. Furthermore, the important qualities of the area of spacious plots and the strong building line would not be harmed. Thus, the alteration of the property from its existing general form and scale to create a house of different appearance would not be imposing or harmful to the wider area or streetscene.
6. The rear extension would be a large addition, but in the context of the remodelled property and mixed character of the area would similarly appear a suitable change for the house. Due to the location to the rear, there would not be visibility from the street.
7. Policies HOU11 and DES4 of the East Herts District Plan 2018, and Policies HDP2 and HDP3 of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads Wards (1st Revision) require, amongst other matters, all development and extensions to dwellings to be a high standard of design and layout, and to be

appropriate to the character, appearance and setting of the existing dwelling and surrounding area. The proposals satisfy these requirements and there is no harm to the character and appearance of the surrounding area. For this reason, I further consider that, although Policy HOU11 seeks that extensions should 'generally' appear subservient, in this instance no harm arises from the proposals not appearing subservient.

Living conditions

8. The rear building line of the appeal property and its neighbours is staggered, with houses set away from the boundary line. The proposed two storey addition would be next to No. 213 to the north. That property sees its car port adjoin No. 211, with the main rear elevation and amenity area of the house and garden set further away from the boundary. The distance of the proposed extension from the rear elevation and garden area of No. 213, and the limited projection of the two storey addition beyond the rear building line with that property, would mean there would not be an unduly overbearing impact upon the outlook of No. 213.
9. Any visual impact of the proposed extension would be further mitigated by existing intervening trees within the site and ownership of No. 213, and which the owners of that property have expressed a desire to keep. The appellant's submitted Arboricultural Impact Assessment has demonstrated how those trees would not be directly affected during construction of the proposed extension, provided suitable measures are undertaken.
10. The local planning authority raise concerns regarding the long term retention of two trees due to their existing poor condition. I accept that those trees may need to be removed at some time in the future. However, two other trees remain that have been identified as having a longer lifespan, and it appears to me their position and form would still provide the screening sought by the tree owner. Be that as it may, I have commented earlier that the proposed extension would not be harmful to living conditions in any event, and so even if the trees were removed there would not be any adverse impact.
11. The location and limited scale of the proposed extension would not effect the living conditions of the occupiers of No. 209 to the south.
12. Policy DES4 requires all development to avoid significant detrimental impact on the amenity of occupiers of neighbouring land. On the second main issue it is my conclusion that the proposal would not be harmful to the living conditions of adjoining occupiers.

Conclusions and conditions

13. The proposed development would accord with the policies of the development plan and so the appeal is allowed.
14. In the event of the appeal being allowed the Council suggested a number of conditions. The condition requiring submission of details regarding materials to be used is necessary, to ensure a satisfactory appearance to the development. In the interests of privacy I have attached the condition relating to the obscure glazing of the first floor window in the north elevation. However, it is imprecise as to what level of obscure glazing is required, and so I have modified the condition.

15. A condition is necessary to ensure the tree protection measures set out in the Arboricultural Method Statement (AMS) are undertaken, in order to protect the retained trees. The suggested condition does not refer to these measures and, by referring to the possibility of the appellant undertaking tree planting works on land outside the appeal site and outside their control, is not enforceable or reasonable. I have therefore attached modified conditions to ensure the implementation of the measures already set out in the AMS. Finally, a condition specifying the approved plans is necessary in the interests of precision.

C J Leigh

INSPECTOR