



Appeal Decision

Site visit made on 4 February 2025 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 FEBRUARY 2025

Appeal Ref: APP/N1920/D/24/3351149

44 Koh-I-Noor Avenue, Hertfordshire, Bushey WD23 3EJ

- 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 Ms F Callaghan against the decision of Hertsmere Borough Council.
 - The application Ref is 24/0722/HSE.
 - The development is a proposed single storey side extension following demolition of existing side porch, proposed part single, part two storey rear extension, pitched roof to retained and proposed single storey side/rear extension and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension following demolition of existing side porch, proposed part single, part two storey rear extension, pitched roof to retained and proposed single storey side/rear extension and alterations to fenestration at 44 Koh-I-Noor Avenue, Hertfordshire, Bushey, WD23 3EJ in accordance with the terms of the application, Ref 24/0722/HSE, dated 30 May 2024, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: Drawing 222155/01 Rev. A, Drawing 222155/08 and Drawing 222155/09.
 - 4) The roof of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. It is noted that apart from the first-floor side/ rear extension, the proposal is the same as previously approved by planning permission 24/0061/HSE. The Council considers that the impact of the proposal is partly formed by a combination of all proposed works. Nonetheless, I am mindful that the approved scheme represents

an important fall-back position, demonstrating the extent of work that could be undertaken without the need for further planning consent. On this basis, this appeal recommendation has focused on the effects of the proposed first floor rear extension.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons for the Recommendation

5. The appeal property is a two storey, end of terrace dwelling. Most of the side and part of the rear of the dwelling can be seen from Herkomer Road. Whilst the terrace of dwellings are similar in their style and proportions, the appeal property has a different relationship to the street being a corner plot. Despite some previous unsympathetic ground floor extensions that detract a little from the appearance of the dwelling, the appeal dwelling accords with the prevailing pattern of development in the area. It therefore makes a positive contribution to the character and appearance of the area.
6. It is acknowledged that the first-floor extension would alter the appearance of the side and rear of the dwelling. However, it has been designed to be set back from the side elevation and its roof would be set down from the main ridge with the roof profile matching the existing outrigger. The modest scale and design of the first-floor extension is such that it would not be visually intrusive nor overwhelm the form, proportion or appearance of the appeal dwelling.
7. Whilst I note that first floor rear extensions are not commonplace along the terrace, the rear and side of the appeal property is largely viewed in isolation. As such, the proposal would not affect the wider streetscene or the uniform appearance of the terraced row. The pattern of the rear outriggers of the terraced row is not especially pronounced in the street and can only be caught in glimpsed views from Herkomer Road due to roadside vegetation. Furthermore, the use of materials that would match the existing dwelling would also assist the proposal to be well integrated with the existing appearance of the dwelling, and this can be secured by the imposition of a condition.
8. Consequently, the proposal would complement the character and appearance of the appeal property and the area. Accordingly, the proposal would accord with Policy SP1 and CS22 of the Hertsmere Core Strategy (Adopted January 2013) and Policy SADM30 of the Site Allocations and Development Management Policies Plan (Adopted November 2016) and the National Planning Policy Framework (the Framework). These seek, amongst other things, to ensure development is of high quality design and maintains or improves local character. The proposal also accords with Part D: Guidelines for High Quality Sustainable Development 2016 and Part E: Guidelines for Residential Extensions and Alterations November 2006 of the Hertsmere Planning and Design Guide Supplementary Planning Document.

Conditions

9. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the Framework and the Planning Practice Guidance.

10. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have included a condition requiring the external materials to match the existing building to protect the character and appearance of the appeal property and terrace. I have also included a condition preventing the use of the roof of the proposed extension as a balcony or amenity area, to protect the privacy of neighbouring properties.

Conclusion and Recommendation

11. For the reasons given above, the proposal would comply with the development plan when taken as a whole and there are no material considerations, including the Framework, that would outweigh this finding. Consequently, I recommend that the appeal should be allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

B Plenty

INSPECTOR