



Appeal Decision

Site visit made on 25 March 2025

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/N1920/D/24/3357429

6 De Havilland Court, Shenley, Hertfordshire, WD7 9JD

- 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 & Mrs Kleinberg against the decision of Hertsmere Borough Council.
 - The application Ref is 24/1278/HSE.
 - The development proposed is a two storey rear and first floor side extension following demolition of existing rear conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear and first floor side extension following demolition of existing rear conservatory at 6 De Havilland Court, Shenley, Hertfordshire, WD7 9JD in accordance with the terms of the application, Ref 24/1278/HSE, subject to the following 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: Location plan, 285-PLK-01 rev A, 285-PLK-02 rev B, 285-PLK-03 rev B.
 - 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.

Main Issue

2. There is one main issue which is the effect of the proposed extensions on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal dwelling is a modern detached house located in a small cul-de-sac on an estate of similar dwellings which, although variable in scale and design, form a cohesive group. The appeal dwelling sits between two semi-detached pairs with the dwellings set on a staggered and irregular building line. There is an attached twin garage, set well back from the front elevation of the appeal dwelling, on its western side. A footpath runs to the rear of the appeal site. The Council suggests that the

plot is akin to a corner plot due to the irregular, staggered building line in the street. However, I agree with the appellants that this is not the case.

4. The Council does not object to the removal of the existing rear conservatory and I agree this would be acceptable. The proposed two storey rear extension would project about 3.2m behind the original dwelling, increasing to about 4m closest to the attached garage which projects slightly further into the rear garden. The staggered rear elevation would break up the mass of the extension and, together with the rear facing gables which would be noticeably lower than the ridge of the original dwelling, create a well designed extension that, despite its size, would be sympathetic to the host dwelling, sitting comfortably within the plot. Moreover, it would have no material effect on the street scene, being substantially screened by the garage and dwelling and seen at an angle from the opposite side. It would be clearly visible from the footpath to the rear but due to its well-considered design this would not lead to visual harm.
5. The proposed first floor side extension would be above the twin garage. It would be set down from the ridge of the host dwelling, back from the front eave and less than half the width of the garage building. A significant gap would remain between the host dwelling and its set-back neighbour, No 5, thus maintaining openness. It is understood that one of the pair of garages belongs to No 5 but is detached from it. However, whilst this may create a legal boundary in the centre of the garage building, in visual terms it is irrelevant and the extension would appear modest in the context of the twin garage as a whole.
6. The Council suggests that the rear and side extensions would wrap around the original dwelling. However, there would be a small but distinct step between the rear elevation of the rear extension and that of the side extension, ensuring there was visual separation.
7. I accept that the proposed extensions are large and would occupy and alter the rear elevation. However, the design would ensure they did not overwhelm the dwelling, alter its character or appear incongruous or disproportionate and hence no harm would arise. The Council refers to advice in its Supplementary Planning Document – Planning and Design Guide Part E (SPD), 2006, but this provides guidance and is not prescriptive. Each case should be judged on its own merits, and in that context, I have found the proposed extensions to be acceptable.
8. It is concluded on the main issue that the proposed extensions would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area. In consequence, they would comply with Policy CS22 of the Hertsmere Core Strategy, 2013, Policy SADM30 of the Site Allocations and Development Management Policies Plan, 2016, and with the National Planning Policy Framework, 2024. Taken together and amongst other things, these expect new development to be of a high quality design that is visually attractive and complements the character of the area.
9. In addition to the statutory commencement condition, the Council suggests two conditions. I agree that the development should be carried out in accordance with the approved plans and in materials that match the existing dwelling in order to provide certainty and to protect the character and appearance of the host building and the surrounding area.

10. For the reasons set out above and having regard to all other matters raised, including the representations of Shenley Parish Council, I conclude that the appeal should be allowed.

KE Down
INSPECTOR