



Appeal Decision

Site visit made on 9 April 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/W/J1915/D/25/3358111

5 Elm Road, Bishop's Stortford, Herts CM23 2SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Buzzing against the decision of East Herts District Council.
 - The application Ref. is 3/24/1407/HH.
 - The proposed development is raising roof height to create first floor and second floor windows and rooflight windows; ground floor front, side and rear extension, lower ground floor extension with alterations to land levels and new external steps; alterations to fenestration, new trellis on top of existing fence.
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Decision

1. The appeal is dismissed

Costs Application

2. An application for costs was made by Mr P Buzzing against East Herts District Council and this is the subject of a separate Decision.

Main Issues

3. The main issues are
 - The effect on the character and appearance of the area.
 - Whether the proposal would have an overbearing effect on the living conditions of the occupiers of the adjoining property, no. 7 Elm Road.

Reasons

4. The site comprises a detached dwelling set on a sloping site on the southern side of Elm Road. Whilst the address of the site is given as Elm Road, the dwelling actually fronts onto a footpath which is accessed from Half Acres to the south. The site has a gated access from Elm Road leading to a hardstanding in front of a garage in the lower part of the site with lawn area and steps up to the rear elevation of the dwelling which then lead around the side to the front.

Character and appearance

5. The sloping nature of the site is such that the existing dwelling appears as two-storey when viewed from Elm Road but single-storey when viewed from the footpath to the south. The proposed extensions and alterations are mainly to the rear and would add ground, first and basement levels resulting in the rear elevation being of three storey appearance.

6. The proposed extensions would be substantial in size incorporating a large, crown roof with hipped edges adding considerable bulk to the rear and side of the dwelling. Given the sloping nature of the site and the position of the dwelling towards the upper, southern part, the proposed extensions would be highly visible within the street scene.
7. Whilst, as noted by the parties, there are varying designs and sizes of dwellings within the immediate context of the appeal site, the dwelling on the appeal site lies at the end of a row of detached dwellings fronting the footpath off Half Acres which although higher than the dwelling on the appeal site are all of a generally consistent design with pitched roofs with gable ends facing Elm Road. The adjoining dwellings either side of the appeal site fronting Elm Road are also of predominantly pitched roof design with the detached dwelling at No. 1, Elm Lodge, having a hipped roof.
8. The proposal would not only considerably increase the size of the dwelling but would also incorporate a number of different roof types and forms. In this context, whilst noting that the overall height of the extended dwelling on the appeal site would not exceed those in the adjoining row, the overall size and design of the proposed additions, incorporating a complex mix of roof designs, would result in the dwelling being unduly prominent and appearing incongruous within its setting.
9. Overall, the proposal would harm the character and appearance of the area. It would thereby fail to comply with Policies HOU11 and DES4 of the East Herts District Plan (2018) (EHDP) which seek to ensure that development is of a high standard of design to reflect and promote local distinctiveness and that extensions to dwellings are of a size, scale, mass and form appropriate to the character, appearance and setting of the existing dwelling and wider area. In addition, it would fail to satisfy policy in the National Planning Policy Framework (the Framework) that seeks to achieve well designed places that function well, are visually attractive and sympathetic to local character.

Living conditions

10. Unlike number 5, the adjoining dwelling at number 7 is located facing towards and set back a short distance from Elm Road, much closer to it than the dwelling on the appeal site. It is a modern dwelling of fairly modest proportions with pitched roof. It is set at a considerably lower level than the dwelling on the appeal site with a high retaining wall with vegetation above marking the common boundary at the rear.
11. The dwelling on the appeal site is sited quite close to the common boundary, the nearest element of which is of single storey form extending above the boundary with pitched roof sloping away from it. The proposal would add an additional storey to this part of the dwelling, consisting of a large, high catslide roof. Although it would slope away from the boundary, it would nevertheless be sited close to the rear of the adjoining dwelling and its rear garden area. This would have an unacceptably overbearing impact, emphasised by the difference in levels.
12. The appellant has referred to a sunshine survey, though it appears that it was prepared to accompany an earlier scheme and the document has not been provided for this appeal proposal. In any event, the Council does not object to the proposal on loss of light grounds and, as explained above, I concur that it would be the overbearing effect of the proposal that would be unacceptable.

13. Overall, having regard to the above, it is concluded that there would be an unacceptable adverse impact on the living conditions of the occupiers of no 7 Elm Road. This would result in conflict with Policy DES4 of the EHDP which seeks to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties. It would also conflict with the Framework which seeks to create places with a high standard of amenity.
14. Both parties refer to the Bishop's Stortford Town Council Neighbourhood Plan (Silverleys and Meads Wards) 2021-2033 but no specific policies have been identified. Policy HDP2 refers to setting and character of buildings, streets and spaces and expects developments to be of high quality and sit well within their setting. For the reasons set out above, there would also be conflict with this policy.

Conclusions

15. It is therefore concluded that this appeal should be dismissed.

P B Jarvis

INSPECTOR